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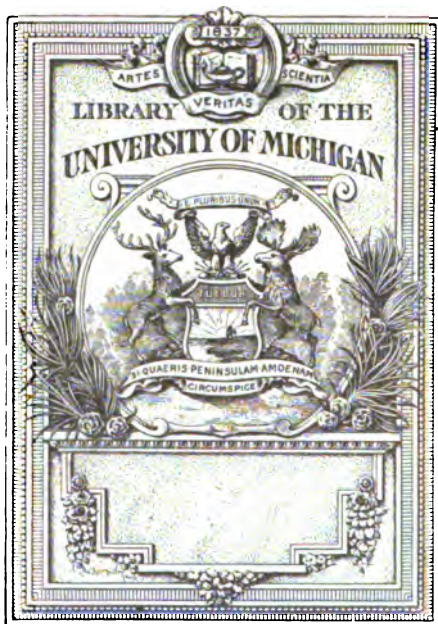
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*THE DEBATES*  
ON THE  
GRAND REMONSTRANCE.

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*THE DEBATES*  
ON THE  
**GRAND REMONSTRANCE,**  
NOVEMBER AND DECEMBER,  
1641.

WITH  
AN INTRODUCTORY ESSAY  
*On English Freedom under Plantagenet & Tudor Sovereigns.*

BY JOHN FORSTER, LL.D.

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*Text.* Result of Remonstrance Debates. Popular leaders averfe to war. Indecision of Charles. Bankes (C.J.) attempts to mediate with King, 409. Like attempts of leaders in both Houses. Lord Wharton. Denzil Hollis. Lord Say and Seale, 410. Lord Essex. Lord Northumberland. Objects of Court party. To weaken and degrade Parliaments, 411. Small part in a great scene: creditably played. Character of Bankes (C.J.) unwisely compared with Coke (C.J.), 412. Coke's claims. The Institutes and the Petition of Right. Party views for and against Charles. A plain case up to the war, 413. A case more perplexing, 414.

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*Text.* Limited scope of present work: to restore an effaced page in History, 414. Object of Notes appended. Clarendon's *History*. Its beauties. Its demerits, 415. Its author confronted with contemporaries. Result decisive against him. Mistatements no longer possible. Ludicrous errors, 416. D'Israeli's *Commentaries* (ii. 294). Effect of Remonstrance on the people: its vindication: and measure of its importance, 417. Its subsequent influence. Confessed by Hyde. Recruiting-serjeant for Civil War. Motives of its authors: in so appealing to the people. To save the ancient monarchy, 418, 419. Civil and religious freedom not separable. Rights demanded by Remonstrance. Leaders of the Long Parliament, 419. Their genius and greatness. Their patience and endurance. Their respect for old precedents and laws, 420. Reverence due to them, 421.

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~~Adverse of this kind for  
no reason in the mind & more~~

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of this kind one  
of most of the best  
that at the same time  
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1. ... ..

Apr. 12, 1841

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 & I have been obliged by you to let the bill stand  
 at present. But I have your bill of attorney to be  
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# THE DEBATES

ON THE

## GRAND REMONSTRANCE.

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### INTRODUCTORY ESSAY.

#### § I. THE PLANTAGENETS.

I PROPOSE to introduce an attempt to re-  
describe, with greater fullness and accuracy, some  
leading events in the political struggle of the  
Seventeenth Century, by a sketch of the earlier  
efforts for freedom in the Plantagenet and Tudor  
reigns. From the circumstances that attended  
the gradual growth of our liberties, were drawn  
ever the most powerful arguments for their  
maintenance and defence; and it is impossible  
clearly to understand the position in this respect  
taken up by Charles the First's opponents,  
without some knowledge of the grounds on  
which they rested their claim to connect with  
the old laws and usages of England, their  
resistance to the tyranny of the Stuarts.

Purpose of  
this Essay.

Position  
taken up  
by Charles  
the First's  
opponents.

One of the noblest images in the writings  
of Burke, is that in which he says of the spirit  
of English Freedom that, always acting as if in  
the presence of canonised forefathers, it carries

Records  
and titles  
of English  
Freedom.

Burke on  
our His-  
tory.

an imposing and majestic aspect. "It has  
" a pedigree and illustrating ancestors. It has  
" its bearings and its ensigns armorial. It has  
" its gallery of portraits, its monumental in-  
" scriptions, its records, evidences, and titles."  
For collecting and producing them, Selden was  
thrice imprisoned by James the First and his  
Son; and the part which they played in that  
struggle with the Stuarts, was but the revival,  
in more powerful form, of an influence they  
had exerted over the Plantagenets and the  
Tudors. As in later, so it had been in the  
earlier time. The Petition of Right, enacted  
in Charles the First's reign, was but the affir-  
mation and re-enactment of the precedents of  
three foregoing centuries; and in the reign of  
John, when the Barons were in treaty for the  
Great Charter, Langton put forward, as the  
basis and title of their claims, a charter of a  
hundred years' earlier date.

Precedents  
in older  
Time.

Charter of  
Henry I.  
1100.

That was the enactment of the first year of  
Henry Beauclerc, the first of the name, and  
the third of our Norman kings. It was sup-  
posed to be the only copy then in existence;  
so assiduous Henry's officers had been, in the  
more secure years of his reign, to destroy the  
evidence of his recognition of popular rights at  
the outset of his usurpation. But he could not  
depress the people for his pleasure, when already  
he had raised them for his gain. They are  
edged tools, these popular compacts and con-  
cessions; and not so safe to play the game of  
dissimulation with, as a friendly nod or greet-  
ing to the friend you purpose to betray.  
"Does he smile and speak well of me?" said

Difficulty  
of sup-  
pressing a  
Charter.

one of the chief justiciaries of this King. Henry I.  
 "Then I am undone. I never knew him  
 "praise a man whom he did not intend to  
 "ruin." It was truly said, as the speaker  
 soon had occasion to know; but it is more  
 difficult so to deal with a people. A charter  
 of relief from onerous and unreasonable bur- Royal  
 dens, once granted, is never more to be resumed concessions not  
 as a mere waste piece of parchment. The pro- resumable.  
 visions of which men have lost the memory,  
 and are thought to have lost the proof, reappear  
 at the time of vital need; and the prince into  
 whose violent keeping a people's liberties have  
 fallen, is made subject to a sharp responsibility.  
 For the most part, unhappily, history is read  
 as imperfectly as it is written. Beneath the Imperfect  
 surface to which the obscurity of distant records judgments  
 too commonly restricts us, there lies material in History.  
 to be yet brought to light, less by laborious  
 research than by patient thought and careful  
 induction. Conceding to the early chroni-  
 clers their particular cases of oppression, sub-  
 jection, and acquiescence, let us well assure  
 ourselves that these will not prevail for any  
 length of time against an entire and numerous  
 people. If ever rulers might have hoped to  
 measure their immunities and rights by the Strength  
 temper and strength of their swords, it should and weak-  
 have been these early Norman princes; yet at ness of  
 every turn in their story, at every casualty Norman  
 in their chequered fortunes, they owe their safety Kings.  
 to the fact of flinging down their spoil. A  
 something which, under various names, repre-  
 sents the People, is still upon their track;  
 and thus, over our rudest history, there lies at



least a shadow of the substance which fills our later and nobler annals.

Basis of  
Saxon  
Constitu-  
tion.

The basis of the Saxon Constitution rested wholly on the mutual correction, and relative sustenance and support, of two opposite powers; that of the King exerted through a prerogative jurisdiction, and that of the People expressed through their various courts and guilds. Nor does it admit of question that, substantially, the Conqueror and his sons adopted the Saxon jurisprudence, and that it continued to be the basis of the common law. Every subsequent alteration operated upon it; and though the action of time and circumstance made those alterations considerable, there was little direct change by positive enactment. The notion which long prevailed that the Feudal System was first introduced into England at the Conquest has been disproved by modern inquiry.

Adopted  
by the  
Conqueror  
and his  
sons.

Origin of  
Feudality.

All the rudiments and germs of the feudal services existed in the Germanic nations; and whether these were grown in their forests, or had been derived in any degree from what they saw of the system of the Empire, is not very material. As early as Tacitus, every chieftain had his band of retainers, who honoured him in peace, and followed him in war; and that an artificial connection should gradually have arisen, reciprocally binding the lord to his vassal, and the vassal to his lord, renders it easy to understand the growth of the entire system of feudality. In what way its more onerous incidents and obligations arose opens up wider considerations. But there is reason to believe that even these had made

Its bur-  
dens and  
modes of  
tenure.

considerable advance under the Saxons, though not to the exclusion of other modes of tenure, before the subtle and elaborate Norman devices were grafted on them. The Saxon king certainly claimed the right of wardship, though less often, and in simpler and less oppressive form, than in the Norman time; and the acknowledgment, by oath, of the obligation in a feud as reciprocal and binding on both parties, is known as early as Alfred's reign. As that obligation took more settled shape, the system developed itself in largely civilising and humanising forms. The compact implied on both sides fixed rights and settled duties, and made Protection as sacred as Service. It led gradually, in short, to the feud becoming a life-estate; from which, as an almost natural consequence, the principle of hereditary succession arose; every new occupant making still his acknowledgment of vassalage, and binding himself as fully as the first grantee. Nor did it require much forethought to discern, that the perfect development of this system would end in a mutual arrangement of legally binding obligations and legally maintainable rights, in the course and action of which the very life of the relation of vassalage would expire.

Natural consequences of the Feudal System.

Its development.

Hereditary Succession.

Extinction of Vassalage.

Contemporaneous with Henry the First's charter were the first great victories of the Crusades, which led to the sacrifice of many millions of lives, and had the effect not only greatly to increase the temporal power and ecclesiastical domination of the Popedom, but to begin the terrible story of religious wars. Yet

The Crusades.

Feudal  
Institu-  
tions im-  
proved.

they had also good results, to which the existing condition of the world gave a preponderating influence. What there was of merit in the feudal institutions had here taken a higher and more spiritual character, largely abating their ferocity and somewhat lessening their injustice.

A troubadour of the century now begun called Jerusalem a fief of Jesus Christ; and in the expression may be traced the origin of the Crusader's sense of his bond and vassalage to the Son of God. To his fancy, he was now firmly establishing a reciprocity of obedience and protection between himself and heaven.

Influences  
of Christ-  
ianity.

The union also, which the Crusades effected, of different countries in a common object, had a tendency to dissipate many narrow hindrances to a common civilisation; and the intercourse of eastern and western nations by degrees introduced into religion, as well as into government, larger and more humane views. The pecuniary obligations incurred by the feudal chiefs, led at the same time to a wider circulation of money, and made further gradual but sure encroachment on the stricter domains of feudalism. Finally, we owe it mainly to the Crusades, that the enrichment of the ports of Italy, by such sudden avenues to trade, became an important element in the advance to a higher and more refined system of society; and that, scattered through the wandering paths of Troubadour or Dominican, the seeds of eloquence and song sprang up in later days, and in many countries, into harvests of national literature.

Seeds of  
Commerce  
and Lite-  
rature.

Henry II. Some of these advantages began to be felt

even so early as under the first and greatest of the Plantagenet kings. It was in Henry the Second's reign that personal services of the feudal vassals were exchanged for pecuniary aids; that, by the issue of a new coinage of standard weight and purity, confidence was given to towns and cities, then struggling into importance by the help of charters and fiscal exemptions; that it was made the duty of the itinerant judges to see that all free men were provided with competent arms and means of defence; that the most oppressive baronial tyrannies received a check from the Crown; and that further settled guarantees for internal tranquillity were given by a more orderly, equal, and certain administration of the laws. Yet even such services to civilisation yield in importance to that which was rendered by this great prince in resisting the usurpations of the Church. His dispute with his Primate involved essentially little less than the ultimate question of the entire arrangement of human society. Not seventy years had passed since the voice of Hildebrand had declared the papal throne to be but the temporal emblem of a universal spiritual authority, holding absolute feudal jurisdiction over the lesser authority of kings and nobles; and Becket stood upon the claim so put forth by Hildebrand. Like him, he would have turned human government into a theocracy, placing the Church at its head, unquestioned and supreme. He would have drawn together the whole of Christian Europe under one sole Suzerain authority, and, through all the wide and various extent of civilised

First Plantagenet King. 1154.

Gains to civil freedom.

Dispute of Henry II. and his Primate.

Becket's scheme.

nations, would have made the spiritual tyranny of Rome the centre and metropolis of dominion. To Henry Plantagenet, on the other hand, it seemed that any such centralisation of ecclesiastical power would be fatal to the peace, the happiness, and the liberty of the world. He had laboured hard, with his Chancellor Becket, to reduce all autocracies and tyrannies within his kingdom; and against his Primate Becket, he now resolutely declared that this work should still go on. Whether spiritual interests were, or were not, of higher importance than temporal interests, was not necessarily the question implied; any more than whether a firm belief in Christianity should involve a total subjection of the understanding, of the heart and the will, of the active and the intellectual powers, to ecclesiastical domination. Not so, happily for the people whom he governed, was this resolute prince disposed to renounce his social and civil duties. In events that arose as the contest went on, he was rude, passionate, and overbearing; and perhaps much of the work he was called to do, by more delicate ways could hardly have been done: but, though what he had nobly gained was thus at times in danger of being ignobly lost, there seldom fails to be visible, throughout all the reckless impulses of that really majestic though ill-regulated nature, a strong comprehension of the vital truth which was afterwards wrought out with such breadth and potency in England. And on the whole it was certainly well that Henry the Second's triumph should not have been on all points complete.

Henry's  
opposition.

What the  
struggle  
involved.

Character  
of Henry.

Complete  
victory to  
either not  
desirable.

Notwithstanding the spiritual despotism which the Church would fain have established, we cannot forget what the Church in those rude times represented and embodied ; and for the utter discomfiture and overthrow of which, any absolute supremacy of the State and the sword would have been but a poor compensation. What it was well that the King should retain, he did not lose ; and though neither did Becket entirely forfeit what his arrogance too rashly put in peril, substantially the victory remained with Henry. Asserting the necessary rights of temporal princes, and upholding the independent vigour of civil government, he defended and maintained, in effect, religious liberty and equal laws ; and the soil was not unprepared to receive that wholesome seed, even so early as the reign of the first Plantagenet.

What was due to the Church.

What Henry II. gained.

The most distinguished associate of Henry in his civil labours was the famous Ranulf de Glanville, in whose name is written the most ancient and memorable treatise of the laws and customs of England ; and the greatest act they jointly performed was to give authority, universality, and settled form and circumstance, to a practice which was only very imperfectly introduced in the time of Henry Beauclerc, and had been, since then, carried out still less perfectly. In a Great Council at Northampton, Henry formally divided the kingdom into six districts, to each of which he assigned three itinerant judges, and from that time circuits have never ceased in England : carrying gradually with them (in consequence of other improvements introduced by this great and sagacious

Ranulf de Glanville, *Traſtatus de Legibus et Conſuetudinibus Regni Angliæ.*

1176. Appointment of circuits for judges.

prince) the general adoption of juries, an elevation of the character of the judges, and other settled advantages in jurisprudence as well as in legal administration, felt to this hour.

Richard I.  
1189.

The reign of the second of the Plantagenet family supplies to our constitutional historian, in the sentence passed on the Chancellor of the absent King by the convention of barons, the earliest authority on record for the responsibility of Ministers to Parliament. The incident, however, important as it is, seems rather to take its place with others in the same reign,

New relations between throne and barons.

which mark the springing up of a new condition of relations between the baronage and the throne. In the obstinate absence of Cœur-de-Lion on his hair-brained enterprises, the inaptitude and imbecility of his brother had thrown all the real duties of government into the hands of a council of barons; these again

Independent opposition to Crown.

were opposed by men of their own class, as well for self-interest as on general and independent grounds; and the result of a series of quarrels thus conducted between equals, as it were, in station, between forces to a great degree independent of each other—the Crown striving to maintain itself on the one hand, but no longer with the prestige of power it had received from the stronger kings; the Aristocracy advancing claims on the other, no longer overborne or overawed by the present pressure of the throne

Beginning of struggles of party.

—led to what, in modern phrase, might be called a system of unscrupulous party struggle, in which royalty lost the exclusive position it had been the great aim of the Conqueror's family to secure to it, and became an unguarded

object of attack, thereafter, to whatever hostile confederacy might be formed against it.

What there was of evil as well as of good in the contest became strongly manifest in the two succeeding reigns.

In the strict order of hereditary succession the crown, which on Richard's death was conferred on John, would have fallen to Arthur, the orphan of John's elder brother. But though the subsequent misfortunes and sorrowful death of this young prince largely excited sympathy in England, there was never any formidable stand attempted, here, on the ground of his right to the throne. The battle was fought in the foreign provinces. In England, while some might have thought his hereditary claim superior to his uncle's, there was hardly a man of influence who would at this period have drawn the sword for him, on any such principle as that the crown of England was heritable property. The genius of the country had been repugnant to any such notion. The Anglo-Saxon sovereignty was elective; that people never sanctioning a custom by which the then personal and most arduous duties of sovereignty, both in peace and war, might pass of right to an infant or imbecile prince; and to the strength of this feeling in the country of their conquest, the Normans heretofore had been obliged to yield. At each successive coronation following the defeat of Harold, including that of the Conqueror, the form of deferring to the people's choice had been religiously adhered to; nay, of the five Norman kings on whom the English crown had now descended, four had

Arthur's claim to the succession :

fought only in French provinces.

The English Crown not heritable property.

Sovereignty elective.

Normans defer to Saxon principle.



been constrained to rest their strongest title on that popular choice or recognition: but its most decisive confirmation was reserved for the coronation of John. Till after the ceremony, his right was in no particular admitted. He was earl, until he assumed the ducal coronet; and he was duke, until the Great Council, speaking through the primate, invested him at Westminster with the English crown, accompanying it with the emphatic declaration that it was the nation's gift, and not the property of any particular person. Speed, with his patient industry and narrow vision, calls this latter condition, "a second seed-plot of treasons;" but for the most part it has happened, throughout our English history, that treasons have been the second seed-plot of liberty. Other historical critics imagine John's coronation to have been a mere arrangement of conditional fealty specially restricted to him; the sole temptation to elect him, in preference to his nephew, being the consideration that less was to be looked for in the way of civil restitution from a legitimate monarch, than from one who held by elective tenure. But these reasoners overlook, not only the fact that the law of succession as between a living brother and a dead brother's child was by no means settled at this time, but that, as has just been pointed out, the choice of a monarch on grounds exclusively hereditary would have been the exception and not the rule. If anything beyond the objection to entrusting sovereignty to a child and a woman, induced the preference of John, it very probably was some anticipation

Corona-  
tion of  
John.  
1199.

Treasons  
the seed-  
plot of  
Liberty.

Legiti-  
macy or  
Election?

Why John  
preferred  
to Arthur.

of a possible and not distant struggle between the throne and its feudal dependencies, and the sense of how much the latter would be strengthened by an incompetent and feeble King. For, how stood the government of England, when placed in John's keeping?

The balance of power between the various grades of feudal society, as in a great degree established by the discreet and powerful policy of Henry the Second, had been wholly relaxed and unsettled by the lawless administration in Cœur-de-Lion's absence. The powers which Henry centered in the throne for good purposes, were prostituted to evil by both his sons. The weakness which an able king, for wise and prudent purposes, had sought to introduce into the aristocratic element of the kingdom, had since been used for the suppression of all restraint upon monarchical tyranny. If such a sovereign as Henry could have continued to reign, until a forced repression of the baronial feuds might have permitted a gradual and free reaction of the popular on the kingly power, the establishment of rational liberty would have been hastened by at least two centuries. But even as it was, there stood the People between the two opposing forces; alternately recognised in the necessities of each, and by both made conscious of their power. In the Church questions, and that of resistance to invasion, which arose in the earlier portion of the reign, they took part with John; in the questions of civil freedom which immortalised its close, they joined the grand confederacy of his enemies. Of the character of this prince it is needless to speak.

Henry II.'s policy unsettled by his sons.

Monarchy and aristocracy in conflict.

People choose their side alternately.

Character  
of John.

It belongs to the few in history or in human nature of which the infamy is altogether black and unredeemed. The qualities which degraded his youth grew with his years; combined with them, he had just enough of the ambition of his race to bring forth more strongly the pusillanimity of his spirit; and thus he was insolent and mean, at once the most abject and the most arrogant of men. The pitiless cruelties recorded of him surpass belief; and the reckless madness with which he rushed into his quarrels, was only exceeded by his impotent cowardice when resistance showed

His deser-  
tion of  
both sides.

its front. He deserted the people when the people joined him against the church, and he deserted the church when the church joined him against the people. Yet, what resulted from the very vice and falsehood of so despicable a nature was in itself the reverse of evil. A man more able, though with an equal love of tyranny, would have husbanded, and kept, his power; this man could only feel that he existed when he knew that he was trampling on his fellow-men, and, making his power intolerable, he risked and lost it. The conclusion which would infer that with the barons, and not with the people, the substantial benefit remained, is far too hastily formed.

Uses of a  
bad king.

What, in its beginning, was the claim of one powerful faction in the realm as against its feudal lord, became in the end a demand for rights to be guaranteed to the general community. It was but a month before the gathering at Runnymede that an unavailing attempt was made to detach the greater barons

What the  
triumph  
of the  
Barons  
involved.

from the national confederacy, by offering to themselves and their immediate followers what the Great Charter was to secure to every free-man.

I have shown that party spirit had now arisen in England. From it have sprung scenes and compromises often neither just nor honourable; but with it have been associated, in very memorable periods of history, the liberties and political advances of the English people. The determined wish of a large section of the nobles to degrade the position and humble the pride of their sovereign, became obvious at the outset of John's reign. When he began his continental wars, he was master of the whole French coast, from the borders of Flanders to the foot of the Pyrenees; when three years had passed, the best portion of that territory was irrevocably lost to him, and, after a separation of three hundred years, Normandy, Anjou, Maine, and Touraine, were reannexed to the French crown. Nor were any of his complaints so loud and bitter, during the progress of these events, as that which was implied in his reproach that the English nobles had forsaken him. They certainly saw pass into subjection to France those large and opulent provinces so long won and guarded by the swords of their fathers, and they made no sign of resistance. But this had also a deeper significance than mere disgust with John. They had elected their country. They were no longer foreign proprietors on a soil which was not their own; they were Englishmen, resolved to cast their fortunes and their fate with England. Soon after this,

Party spirit and its results.

English King stripped of French conquests.

Conduct of the Barons.

Growth of national feeling.

indeed, they raised a counter-cry to that of their recreant King, accusing him of foreign favouritism. With the name, opprobrious now, of *foreigner*, they branded the Angevin, the Norman, and the Poitevin nobles whom he had brought into England at the close of his French wars; and whom he now delighted to parade about his person, to load with dignities and wealth, and to encourage in their vigorous efforts to plunder and oppress the native population. Even the French historian of the Norman Conquest is here fain to admit that the conquering lord and the conquered peasant had found a point of contact and a common sympathy. He can no longer resist the conclusion, that in the soil of England there was at length germinating a national spirit common to all who traversed it. Without doubt it was so. Nor was there a new fine now levied on one of the old domains, or a new toll on one of the old bridges or highways, that did not bring the English baron and lord of the manor nearer in his interests and rights to the English farmer and citizen.

Common  
cause  
against  
foreigners.

Alliance  
of lords  
and citi-  
zens.

King's  
surrender  
to Pope.  
1213.

Freedom  
debt to  
John.

The next step in John's degradation completed the rupture with his barons and carried over the people to their side. From the attempted overthrow of all government, by the surrender of England to the Pope, dates the first sensible advance in our annals to anything like a government under general and equitable forms of law. There is not an English freeman living in this nineteenth century, who may not trace in some degree a portion of the liberty he enjoys to the day when

King John did his best to lay his country at the feet of a foreign priest, and make every one of her children as much a slave as himself.

From that day the grand confederacy against the King took its really formidable, because now unwavering shape ; and what was best in England joined and strengthened it. The concentration of its purposes was mainly the work of Stephen de Langton, and forms his claim to eternal memory.

Rome never clad in her purple a man of nobler nature, or one who more resolutely, when he left the councils of the Vatican, seemed to have left behind him also whatever might impinge upon his obligations as an Englishman. No name stands upon our records worthier of national honour.

In an unlettered age, he had cultivated with success not alone the highest learning, but the accomplishments and graces of literature ; and at a time apparently the most unfavourable to

the growth of freedom, he impelled existing discontents, which but for him might have wasted themselves in casual conflict, to the establishment of that deep and broad distinction between a free and a despotic monarchy, of which our history, through all the varying fortunes and disasters that awaited it, never afterwards lost the trace.

Even while he personally controlled the treacherous violence of the King, he gave steady direction to the still wavering designs of the Barons ; and among the securities obtained on the first day at Runnymede for due observance of the bond or deed which the King

was to be called upon to sign, probably none inspired greater confidence than that which

Confederacy  
against  
King.

Character  
of Lang-  
ton.

His ser-  
vices to  
English  
freedom.

Tuesday  
16th of  
June,  
1215.  
First day  
at Runny-  
mede.

Faith in  
Langton.

consigned for a certain specified time to Langton's custody the Tower and the defences of London. This and other guarantees conceded, the various heads of grievance and proposed means of redress were one by one discussed; and, the document in which they were reduced to legal shape having been formally admitted by the Sovereign, on the fourth day from the opening of the conference, Friday the 19th of June, 1215, there was unrolled, read out aloud, and subscribed by John, the instrument which at last embodied, in fifty-seven chapters, the completed demands of the confederacy, and is immortalised in history as the Great Charter.

Fourth  
day:  
Charter  
signed.

Its general  
character.

The Great Charter, it is hardly necessary to say, had nothing to do with the creation of our liberties. Its inexpressible value was, that it corrected, confirmed, and re-established ancient and indisputable, though continually violated, public rights; that it abolished the worst of the abuses which had crept into existing laws; that it gave an improved tone, by giving a definite and substantial form, to future popular desires and aspirations; that, without attempting to frame a new code, or even to inculcate any grand or general principles of legislation, it did in effect accomplish both, because, in insisting upon the just discharge of special feudal relations, it affirmed a principle of equity which was found generally applicable far beyond them; that it turned into a tangible possession what before was fleeting and undetermined; and that, throughout the cen-

Confirma-  
tion of  
existing  
liberties.

Principles  
latent in it.

turies which succeeded, it was violated by all our kings and appealed to by every struggling section of our countrymen.

To very many of its provisions no reference needs to be made, beyond the mention that they redressed grievances of the military tenants, hardly intelligible since the downfall of the system of feuds, but then very severely felt. Reliefs were limited to a certain sum, as fixed by ancient precedent; the waste committed, and the unreasonable services exacted, by guardians in chivalry, were restrained; the disparagement in matrimony of female wards was forbidden; and widows were secured from compulsory marriage and other wrongs. Its remedies on these points were extended not to the vassals only, but to the sub-vassals of the Crown. At the same time the franchises, the ancient liberties and free customs, of the City of London, and of all towns and boroughs, were declared to be inviolable. Freedom of commerce was also guaranteed to foreign merchants, with a proviso to the King to arrest them for security in time of war, and keep them until the treatment of our own merchants in the enemy's country should be known. The tyranny exercised in connection with the Royal Forests was effectively controlled; and a remedy was applied to that double grievance of expense and delay, long bitterly felt, to which private individuals were subjected when prosecuting suits in the King's court, by the necessity of following the King in his perpetual progresses. "Common Pleas shall not follow our court," said this memorable pro-

Remedial provisions.

Guarantees of franchises.

Redress of personal wrongs.



Central  
Courts of  
Law.

vision of Magna Charta, "but shall be held  
"in some certain place."

Levies  
of aid  
limited.

As striking a provision had relation to the levy of aids and scutages, and this, which was not in the articles first submitted to the King, appears to have originated during the four days' conference at Runnymede. The frequency of foreign expeditions had given a very onerous character to these aids; always liable to be farmed out with peculiar circumstances of hardship, and lately become of nearly annual recurrence. But the provision in question now limited the exaction of them to the three acknowledged legal occasions—the King's personal captivity, the knighthood of his eldest son, and the marriage of his eldest daughter; and in case aid or scutage should be required on any other grounds, it rendered necessary the previous consent of the Great Council of the tenants of the crown. It proceeded then to enumerate the constituent parts of this Council, as to consist of archbishops, bishops, abbots, earls, and greater barons, who should be summoned personally by writ; and of all other tenants in chief of the crown, who should be summoned generally by the sheriff: and it ordered the issue of summons forty days beforehand, with specification of time and place, and intended subject of discussion. Nor did anything in the Charter, notwithstanding the careful limitation of the article to royal tenants and to purposes of supply, prove so hateful to succeeding princes as this latter stipulation. It was soon formally expunged, and was never formally restored; yet in its

Constitu-  
tion of  
Great  
Council.

Forms of  
summons  
thereto:

hateful to  
succeed-  
ing  
princes.

place arose silently other and larger privileges, such as no one was found daring enough in later years to violate openly.

Upon many smaller though very salutary provisions which, relating to the better administration of justice, to the stricter regulation of assize, to mitigation of the rights of pre-emption possessed by the Crown, and to the allowance of liberty of travel to every freeman excepting in time of war, took a comparatively narrow and local range, it is not necessary to dwell. I proceed to name those grander provisions which proved applicable to all places and times, and were found to hold within them the germ of our greatest constitutional liberties.

These were the clauses which protected the personal liberty and property of all freemen, by founding accessible securities against arbitrary imprisonment and arbitrary spoliation.

"We will not sell, we will not refuse, we will not defer, right or justice to any one," was the simple and noble protest against a custom never thenceforward to be practised without secret crime or open shame.

In the same great spirit, the thirty-ninth clause, beginning with that rude latinity of *nullus liber homo* which Lord Chatham thought worth all the Classics,

stipulated that no freeman should be arrested or imprisoned, or disseised of his land, or outlawed, or destroyed in any manner; nor should the King go upon him, nor send upon him, but by the lawful judgment of his peers, or by the law of the land. And a supplementary clause, not less worthy, provided that earls and

Minor provisions.

Securities for liberty and property.

Justice not to be denied or sold.

"Nullus liber homo."

All freemen to be

tried by  
their  
peers.

barons should be amerced by their peers only, and according to the nature of their offence ; that freemen should not be amerced heavily for a small fault, but after the manner of the default, nor above measure for a great transgression ; and that such amerciaments—saving always to the freeholder his freehold, to the merchant his merchandise, and to a villein his implements of husbandry—should be imposed by the oath of the good men of the neighbourhood. It was at the same time provided that every liberty and custom which the King had granted to his tenants, as far as concerned him, should be observed by the clergy and laity towards their tenants, as far as concerned them ; thus extending the relief generally, as before remarked, to the sub-vassals as well as vassals, but restricting it still to the freeman.

Extension  
of relief to  
sub-vaf-  
sals.

Effect of  
Charter in  
later times.

Manifest as were such restrictions and omissions in the Charter, however, and limited as the bearing seemed to be even of its greatest remedial clauses, these did not avail against its mighty and resistless effect through the succeeding centuries. Its framers might have paused, could they wholly have foreseen or known what it involved ; and that under words intended only to be applicable to the relations of feudal power, lay concealed the most extended truths of a just and equitable polity. By the very right they claimed to deny protection to serfs, the bonds of serfdom were for ever broken. By the authority they assumed of protesting against the power of taxation in a prince, they forfeited the power of taxation in a like case which they believed they had re-

Its power  
of expan-  
sion.

served to themselves. They could not assert a principle, and restrict its operation and consequences. They could not insist upon regular meetings of the Great Council with the purpose of controlling the King, and prevent the ultimate admission into it of forms of popular election which were most effectually to control the Nobility. If required to convey by a single phrase the truth embodied in the Great Charter, it might be simply and sufficiently expressed as resistance to irresponsible tyranny; and this substantially is the same, under the stiff jerkin of the peasant and under the coat of mail of the baron. In all the struggles of freedom, therefore, which filled the centuries after Runnymede, it played the most conspicuous part; and from the solid vantage ground it established, each fresh advance was always made. Never, at any new effort, were its watchwords absent, or its provisions vainly appealed to; although, when old Sir Edward Coke arose to speak in the third parliament of James the First, the necessity had arisen no less than thirty-two times to have them solemnly reaffirmed and re-established. Thirty-two several times had they then been deliberately violated by profligate ministers and faithless kings.

Substance  
shaping  
Forms.

Violations  
and reaf-  
firmations of  
Charter.

Already twice had this wrong been suffered in the reign succeeding John's, when, six years after the Regent Pembroke's death, and while the person of the young King was under the guardianship of a Poitevin bishop, Peter des Roches, formerly a tool of John's, there was summoned the earliest Great Council which

Henry III.  
1216.

Earliest council named as a Parliament.

Supply conditional on redress.

Control of money by parliament.

Appeal of Henry III. to people.

Similar appeal from Barons.

bore the ominous name of Parliament. The Court's urgent necessities had called it together : but, upon the demand for a subsidy, fresh violations of the Charter were made broadly the ground for refusing to give ; and it was only at length conceded, in the shape of a fifteenth of all movables, upon receipt of guarantees for a more strict observance of the Charter, and with the condition that the money so raised should be placed in the treasury, and none of it taken out before the King was of age, unless for the defence of the realm, and in the presence of six bishops and six earls. As far as I am aware, this is the first example of parliamentary control brought face to face with the royal prerogative, and the transaction contained in the germ whatever has been worthiest of a free people in our history.

Indirectly may be traced to it, among other incidents very notable, that proclamation from Henry the Third, summoning his people to take part with him against the barons and great lords, which was one of the most memorable of the precedents unrolled by Sir Robert Cotton and Sir Edward Coke when the struggle with the Stuarts began. It was then late in the reign ; but Henry was only seeking to better the instruction received in his nonage from appeals exactly similar addressed to the people by the Barons, while their conflict still continued with Peter des Roches. The wily Poitevin, galled by the conditions attached to the subsidy, precipitated the young King into further disputes ; in the course of which, offices of trust were gradually taken from the English

barons and filled by foreigners brought over into England. The men of old family, wedded now to the land of their fathers as jealously as the Saxon had been, saw themselves displaced for the French jester, tool, or pander; and these so-called Norman chiefs turned for sympathy and help to a people no longer exclusively either Norman or Saxon, but united inseparably on their English soil.

Jealousy  
of French  
favourites.

Historians have been very reluctant to admit so early an intrusion of the popular element into the government of the Plantagenets; and it is still the custom to treat of this particular reign as a mere struggle for the predominance of aristocracy or monarchy. But beneath the surface, the other and more momentous power is visible enough, as it heaves and stirs the outward agencies and signs of authority; and what might else have been a paltry struggle, easily terminable, for court favour or military predominance, was by this converted into a war of principles, awful and irreconcilable, which ran its course with varying fortune through all subsequent time. The merchants and tradesmen of the towns are now first recognizable as an independent and important class. They have been enriched by that very intercourse with foreigners which was so hateful to the class above them. They are invested with privileges wrung from the poverty of their lords. They are no longer liable to individual services, but in place of them are paying common rents. They have guilds and charters inviolable as the fees of the great proprietors; and, incident to these, the right, as little now

Struggle  
for power  
trans-  
formed to  
war of  
principles.

Rise of  
merchants  
and trades-  
men.

Guilds  
and  
Charters.

Privileges  
and rights  
ceded to  
middle  
class.

to be disputed as that of the feudal superior had been, to hold fairs and demand tolls, to choose their own magistrates and enact their own laws. On the hearing of such men, the provisions of the Great Charter, read aloud from time to time in their County Courts, could not have fallen as a mere empty sound. What was so proclaimed might be but half-enfranchisement; it could indeed be little more, while serfdom remained in the classes directly beneath them; but it pointed to where freedom was, accustomed them to its claims and forms, and helped them onward in the direction where it lay. They joined the Barons against the foreign favourite.

King's  
summons  
for parliament  
not obeyed,  
1233.

The conflict had continued some time, and Henry was twenty-six years old, when his necessities again compelled him to call together a parliament; but twice his bidding was refused, and the messengers who bore the refusal might have added the unwonted tidings, that songs sung against the favourite, and filled with warnings to the sovereign, might daily be heard in the streets. Amid other signs and portents of social change had now arisen the political ballad. In it shone forth the first *vera effigies* of the Poitevin bishop of Winchester; nimble at the counting of money as he was slow in expounding the gospel; sitting paramount, not in Winchester, but in Exchequer; pondering on pounds, and not upon his holy book; postponing Luke to lucre; and setting more store by a handful of marks than by all the doctrines of their namesake saint. Would the King avoid the shipwreck

Political  
ballads.

Attack  
upon the  
Favourite.

of his kingdom? asked the king. Then let him shun for ever the stones and rocks (Roches) in his way. Quickly, too, were these warnings followed up. By no less a person than Pembroke's son, the standard of rebellion was let loose in the Welsh districts; the clergy, oppressed by tax and tallage from Rome, began to take part in the general discontent; and in midst of a feast at the palace, Edmund of Canterbury (Langton's successor) presented himself with a statement of national grievances and a demand for immediate redress. He reminded the King that his father had well-nigh forfeited his crown; he told him that the English people would never submit to be trampled upon by foreigners in England; and for himself he added that he should excommunicate all who any longer refused, in that crisis of danger, to support the reform of the government and the welfare of the nation. That was in February, 1234. In April, a parliament had assembled, Peter and his Poitevins were on their way home across the sea, the ministers who had made themselves hateful were dismissed, and the opposition barons were in power.

This will read like the language of a modern day; but if such events have any historic significance, they establish what in the modern phrase can only properly be described as ministerial responsibility and parliamentary control. Nor were they the solitary or isolated events of their class which marked the feeling of the time. Again and again, during this prolonged reign, the same incidents recur, in precisely

General  
discon-  
tent.

Griev-  
ances re-  
ported and  
Redress  
demanded.  
February,  
1234.

Parlia-  
ment  
assembled  
and Favou-  
rite dis-  
missed.  
April,  
1234.

Ministerial  
responsi-  
bility and  
Parlia-  
mentary  
control.



the same circle of resistance and submission. There is an urgent request for money, which is contemptuously refused; but on a promise to redress grievances, the subsidy is given. Then, Court coffers being full, Court pledges are violated; until again distress brings round the old piteous petition, and, with new conditions of restraint and constitutional safeguards before undemanded, assistance is rendered again.

Distress,  
Redress,  
and Supply.

In five years from the incident I have named, the money so granted by Parliament was paid into the hands of selected Barons, with as strict proviso for account as modern parliaments have claimed over public expenditure; and in two years more, on the payment of certain monies to the Exchequer, the City of London exacted a stipulation that the Justiciary, Chancellor, and Treasurer might thereafter be appointed with the consent of Parliament, and hold their offices only during good behaviour. And, at the very time when public faith was thus beginning to be exacted and recognised, law was taking the form of a system. It was now that Bracton produced that treatise which went far in itself to establish uniformity of legal practice, and so create our common law; nor had the reign for which this might have sufficed as the sole distinction, reached its close, before the same great lawyer found himself able to reckon as superior to the King "not only God and the law by which he is made king, but his Great Court (Curia Regis); so that if he were without a bridle, that is, the law, they ought to put a bridle upon him." This Court, this Curia Regis, con-

Securities  
for public  
faith.

Law systematized.  
Bracton,  
1250.

Curia  
Regis:

fisting of Chief Justiciary, Chancellor, Con-  
stable, Marshal, Chamberlain, Steward, and Cabinet of  
the King.  
Treasurer, was what in modern time might be  
called the Cabinet of the King.

But the achievement which most connects  
this thirteenth century with the struggles of  
the seventeenth, and with the associations of  
modern time, remains to be commemorated.  
Beyond doubt or question, and after due allow-  
ance for differences in a discussion where the  
most learned and calm of antiquarians have  
not been able wholly to divest themselves of  
party zeal, in the Great Council which met at A memo-  
rable as-  
sembly:  
2nd May,  
1258.  
Westminster on the 2nd of May, 1258, ori-  
ginated the House of Commons as a separate  
branch of the State.

Under the earliest Norman kings, what was The Great  
Council  
under  
Normans :  
called the Great Council appears to have been  
only another form of the Saxon Witan. A  
greater misapprehension of our constitutional  
history can hardly exist than that which would  
affect to discover in it any actual commence-  
ment of our modern House of Lords. The  
idea of an hereditary House of Lords did not Not a  
House of  
Lords :  
at that time exist in England. A barony  
consisted of so many knights' fees; in other  
words, of so many estates from which the  
services of a knight were due; and a baron  
claimed his barony not as a lord (even the  
coronet was not worn until much later), but  
as a proprietor. The Council, in short, was Not here-  
ditary, but  
represent-  
ative.  
distinctly representative. The dignity was  
territorial, resulting from the possession of fiefs  
of land; and if those fiefs were forfeited,  
alienated, or lost, the dignity departed with

Germs  
therein  
of larger  
system.

Break-up  
of ele-  
ments of  
Council.

Distinc-  
tions and  
grades of  
rank.

Varieties  
in writs of  
summons.

them. But it is not difficult to discern how a larger parliamentary system would almost necessarily arise out of such baronial tenures. Through all the differences and dissensions of the many learned persons by whom these matters have been discussed, and without touching the vexed questions which their learning has left still unsolved, it seems tolerably clear that, whether or not tenure by knight's service in chief was originally distinct from tenure by barony, they had become so separated some time before the reign of John. Tenants in chief appear to have comprised, in the first instance, only the King's immediate vassals; but as time wore on they could not so be restricted. Many of the greater baronies split up and became divided; while the name of baron, no matter what number of fees it represented, or for the feudal service of how few or how many knights it may have been responsible, was still retained.

But this led to a natural jealousy on the part of the greater proprietors; and in time to a broad distinction, in name at least, between the more important of those barons who held by their honours or baronies, and the lesser proprietors whom grants of escheated honours might newly have created, or whose ancient rights had been reduced by escheat or decay. A tenant in chief was now not necessarily a baron; or he might be a baron of inferior grade. It is more difficult to determine what regulated the issue of writs of summons; but it seems probable that the same jealousy to which allusion has been made, brought about

the distinction first observable in John's reign, between the greater baron summoned by his special writ, and the inferior tenants in chief called together by a summons directed to their sheriff. It is clear also, that, though all were entitled to summons, the mere right of tenure could not dispense with its forms; and an unsummoned tenant, without resorting to such remedies as might compel the issue of the writ, could not take his place in the Council.

Up to this point, it will be observed, the principle is distinctly that of feudal representation. The immediate vassals of the Crown, representing certain land, possess the personal right to be present in parliament. They are the liegemen of the Sovereign; and by the universal feudal compact, though aid could be asked of the liegeman, the man's consent was necessary to legalise the aid; while the same relation, implying protection from the lord, conveyed a further right to insist upon corresponding guarantees. In this view, the presence of both larger and lesser tenants was required, and was even exacted by the Crown as needful to the authority and execution of a law. But, as the inferior tenants increased in number, the tax for parliamentary attendance on men of smaller fortunes became intolerable; and their consent and attendance came to be implied in that of the greater barons. Still, they were supposed to be in the Council; and it seems to me that to the mere form and legal fiction thus resorted to, may be traced the gradual transition from a feudal to a real representation. The sure though silent power, with which a

Peculiarities of feudal representation.

Aid for Protection.

Lesser tenants represented by larger.

Transition

from feudal to real rights.

growing society of men will modify and adapt old institutions to new necessities, at once widening and strengthening their foundations, is for the most part happily unknown to those who might otherwise not unsuccessfully strive to control it.

Language of writs of summons.

As the inferior tenants in chief withdrew gradually from the Council, its component members became restricted to the bishops and abbots, the earls and barons, the ministers and judges, and neighbouring knights holding of the Crown. But the language of the writs continued to imply a much larger attendance. When, for example, the Great Charter was confirmed in the ninth year of Henry's reign, the roll informs us that at the same time a fifteenth had been granted in return by the bishops, earls, barons, knights, free tenants and all of the kingdom (*et omnes de regno nostro Angliæ*); and when a fortieth was granted seven years later, there is put forth, as having concurred in the grant, the strange and ominous combination of bishops, earls, barons, knights, freemen and villeins. This was indeed a fiction, but with an expanding germ of truth. The consent of particular classes was to be understood, as a matter of course, to have been included in that of others. But the very emptiest acknowledgment of a right is precious. The right itself waits only its due occasion to assume the substance and importance of reality.

Fictions foreshadowing truths.

Forms conveying substance.

Nor had the English freeman, even under his earliest Norman kings, been wholly without the means of knowing what representation meant. When the Conqueror or his sons had

any special reason to make inquiry into their own rights; when particular wrongs of the people reached them, or when peculations were charged against their barons or officers; nothing was more common than a commission of knights in each shire, not simply named by the Sovereign (as when the Conqueror issued an inquiry into the details of the Saxon law), but quite as frequently elected in the County Court, whose business it was to proceed from hundred to hundred, to make the investigation upon oath, and to lay its result before the King in council. The Great Charter contained a provision for the election of twelve knights in the next court of each county to inquire into forest abuses. In the seventh year of the reign now under notice, every sheriff was ordered to inquire, by means of twelve lawful and discreet knights, what special privileges existed in his shire on the day of the first outbreak between John and his barons. And in the year of the assembling of the Great Council to which these remarks apply, a commission of four knights in each county received it in charge to inquire into certain excesses committed by men in authority. In relation to the levy of subsidies also, the same rule came to be adopted. The most ancient example on record of a subsidy (that of 1207) is found to have been collected by the itinerant judges; but only thirteen years later, the office of collection is seen to be deputed to the sheriff, in conjunction with two knights to be chosen in a full court of the county, with the consent of all the suitors.

Commis-  
sions of  
inquiry in  
shires.

Old in-  
stitution  
adapted to  
new uses.  
1223.

County  
represent-  
ation  
begins.

Collection  
of taxes in  
1207 and  
1220.

Begin-  
ning of  
the end.

Was it not obvious that such usage as this must grow as the people grew? Were not the collection of taxes, and reports of grievances, manifest steps to a power over the money collected, and to a right of petition against the grievances exposed? Is it difficult to discern, throughout these efforts of Norman royalty to check the excess of its ministers, and obtain the co-operation of its people, the vague formation of that authority and house of the Commons, which was to prove more formidable than either of the powers it was called into existence to control?

Vague  
formation  
of autho-  
rity of  
Commons.

Soon what was vague became more distinct.

Gradual  
steps  
thereto.  
1214.

It wanted yet two years of the date of the Great Charter, when a writ was issued marking the first undoubted transition towards the change so vast and so memorable. This contained a summons for military service, with an order that four discreet knights of the county should be sent to Oxford without arms to treat with the King concerning the affairs of the kingdom. In other words, it was a summons to Parliament, in terms the same as those of a later period; and it was followed, after an interval of forty years, by another and more decisive instance. While Henry the Third was on the continent in 1254, his Queen and Regents summoned the tenants in chief to sail to his assistance; and gave order, in the summons, that "besides these, two lawful and discreet knights should be chosen by the men of every county, in the place of all and each of them, to assemble at Westminster, and to determine with the knights of the other

Scheme  
to obtain  
money  
from  
shires,  
1254.

“ counties what aid they would grant to their  
 “ Sovereign in his present necessity, so that  
 “ the same knights might be able to answer,  
 “ in the matter of the said aid, for their  
 “ respective counties.”

Of the meaning of such a writ and its return, there cannot surely be a question ; nor is it easy to understand the discussion it has provoked. Call it singular, anomalous, or by what name may most suitably express its irregular character ; except it from ordinary parliaments, and call it a convention ; still the undeniable fact remains, that it was a scheme to obtain money from the Commons of the various counties, and that to this end it prescribed the election of representatives whose deliberation and assent should control those of their constituents. The language of the writ connects itself undoubtedly with that of its predecessor in the fifteenth of John ; and it is quite immaterial whether or not the barons, and higher tenants in chief, were summoned to sit with these knights. Enough that the Commons of the shires were thus admitted to a co-ordinate share in the imposition and voting of taxes ; for, whatever antiquarians may urge as to Parliament's use of one chamber at Westminster up to the middle of the third Edward's reign (abundant proof exists of separate sittings in other parts of England), it is sufficiently clear that the voting must always have been by each order separately, and without interference from each other. The mere circumstance of the different proportions of taxation would establish this.

Knights  
to answer  
for their  
counties.

Representatives to  
impose  
taxes.

One  
chamber  
at West-  
minster :  
separate  
sittings  
elsewhere.

In the thirty-eighth of Henry the Third, Admission



of third  
estate.

Knights  
sit with  
lords.

Lords pay,  
sitting in  
their own  
right.

Knights  
are paid,  
sitting for  
others.

County  
rates.

then, the principle of a real representation had become part of the constitution of England, and the third estate of the realm took a direct share in its government. Yet, momentous as the concession was, it had been obtained by no violent effort, but simply as the unavoidable result of the increasing importance of the people. From lesser they had risen quietly to higher duties. The knight, whose business it had been to assess subsidies, had found gradual admission by the side of the earls and barons, to help in the disposition and distribution of the money obtained; and that he and his fellows were so received distinctly as the deputies of others, appeared even in the remuneration set apart for them. Great men, such as earls and barons, who attended in their own right, paid their own charges; but men of smaller substance, who had undertaken merely to transact business for others, were held to have a title to compensation from those in whose behalf they acted. As they were paid for their labour in assessment, so for their sacrifice of time and labour in representation they were paid. Wherefore a rate levied on the county discharged their expenses for so many specified days, in "going, staying, and returning."

On another branch of this inquiry, too, which has been sadly encumbered with needless learning and misplaced vehemence of discussion, the county rate would seem to have an important bearing. It has been assumed, by those antiquarians who would narrow as much as possible the basis on which our freedom is built, that the representative knights, as representing

simply the inferior tenants in chief from whose reluctance to attend in Parliament they first derived importance, are not to be taken to have had relation to the county at large. But this assumption is negatived by every reasonable supposition. The wages of the knights were levied on the whole county (*de communitate comitatús*); and the mesne tenant could hardly have been denied a right, to the support of which he was obliged to contribute. That what concerned all should be approved by all, was a maxim not unused by even Norman kings. The language of the writs of election, also, cited with pardonable exultation by Prynne in the early sittings of the Long Parliament, is clear and specific. The tenants in chief are never mentioned in them; while tenants of the Crown implied tenants both by free and by military service. The condition required of the candidate, was to be discreet and lawful; of the electors, to be suitors of the county; and of the election, to be made in a full court. A full County Court was always the least feudal of the modified feudality that lingered in England. It comprised all freeholders; whether of the King, of a mesne lord, or by military or any free service; and in the reign of Henry the Third therefore, not less certainly than in that of Victoria the First, the knights of the shire represented, without regard to the quality of tenure, the whole body of freeholders.

Wages of knights levied on entire county.

Election by full County Court.

All freeholders comprised:

And represented by knights of shire.

Still, they were knights. Their station associated them with the earls and barons. They were part of what in feudal institution was

Results  
of such  
representa-  
tion.

held to be a lower nobility. They ranked above the ordinary burghers or citizen. They represented the power of the Commons, but they were not commoners; even when the commoners sat apart, they continued to sit with the barons; and as yet no man seems to have dreamt that the class even lower than theirs could ever be raised to the national councils, whether in separate, co-ordinate, or subordinate rank. Though the principle which by easiest pressure expanded to admit them, had been winning its gradual way for centuries to the acknowledgment it had at last obtained, yet that lower class were still shut out. But,

Ages pre-  
pare what  
the hour  
produces.

what ages and generations are needed to prepare, the man and the hour accomplish; and both were at hand when the Great Council, having met at Westminster on the 2nd of May, 1258, yielded to the demand of Simon de Montfort that a parliament should meet at Oxford in June. The struggle which then began, filled more than six eventful years; but at last the day arrived, never to be forgotten in English history, and on the 14th December,

Six event-  
ful years.

1264, writs went forth calling together representatives from the counties, cities, and boroughs, to meet the prelates and great lords: and the first enactment of that most memorable assemblage, giving solemn confirmation to charters and ordinances, ran as by common consent "of the King, his son Edward, the prelates, earls, barons, and com-  
monalty of the realm."

Writs for  
first House  
of Com-  
mons,  
14th Dec.  
1264.

That, from the position thus gained, the commonalty never again were dislodged, is the suffi-

cient answer to those who would ascribe the victory less to the causes I have retraced than to the sudden needs of a faction of the barons. As of right the commonalty took, and they kept, the place to which they were called; and we may dismiss as of the least possible importance the question whether the power was usurped that called them. Their existence once recognised, no man was found to gain-say it; their position and place once discovered, everything helped to make it more decisively plain. In the reigns of the first and second Edwards, and their successors, we find them in actual efficiency as a branch of the State; and in spite of the weaker princes, as with the help of the wiser and stronger, their power was still to grow.

Rights  
gained  
once,  
gained  
always.

Power of  
Commons  
evergrow-  
ing.

Edward the First had not occupied his father's throne three years, when a statute was passed that forasmuch as election ought to be free, no man by force of arms, nor by malice or menacing, should disturb any to make free election. It was in this reign also (when so many great improvements in the laws were effected that to Edward has been ascribed the too lofty title of the English Justinian) that the residents of the various counties, in which the Jury System had been finally consolidated, obtained the power, afterwards surrendered and lost, of electing their own sheriffs. In the thirteenth of the same prince, what proved to be one of the heaviest blows to the system it was meant to guard was struck by the arming of all classes: for then was passed the Great Statute of Winchester, by which every man in

Edward I.  
1271.

Election  
of Sheriffs.

Great  
Statute of

Winchester, 1284. the kingdom, according to the quantity of his lands and goods, was assessed and sworn to carry weapons. The lesson had now been taught to two estates of the realm, that in the third, as yet unknown to itself, the supreme force lay; and the ability or power most effectively to make common cause with the third, was hereafter to be the measure of gain or loss to either of the other two. A curious example presents itself in the succeeding reign. Under Edward II. 1307. Edward the Second, when beyond all question the Commons sat, as well as voted, apart from the temporal and spiritual Barons, numerous boroughs were expressly created with the design of strengthening the regal as opposed to the aristocratic influences; and it was also then that, in a very remarkable statute, equal legislative power with the other estates was claimed for the commonalty, not as a new pretension, but as a fundamental usage of the realm. "The matters," they said, "to be established for the estate of the king and of his heirs, and for the estate of the realm and of the people, shall be treated, accorded, and established in parliament, by the king, and by the assent of the prelates, earls, and barons, and the commonalty of the realm, according as hath been before accustomed." Then, too, the Great Charter was again confirmed, with the striking addition of "forasmuch as many people be aggrieved by the king's ministers against right, in respect of which grievances no one can recover without a common parliament, we do ordain that the king shall hold a parliament once in the year, or twice,

Creation of Royal Boroughs.

Equal power claimed for Commons.

Provision for assembling of Parliaments.

“if need be.” In the succeeding reign six different statutes confirmed and still more enlarged its provisions; and when both the first and the third Edward, in the plenitude of their power and their success, attempted without direct authority from Parliament to impose taxes on the people, they both had to suffer defeat. Edward the First struggled long to reverse that decision; and in the end had but to enter into more special covenants that he would never again levy aid without the assent and good-will of the estates of the realm. From the weak government of his son and successor, the power was decisively wrested; and money supplies were almost always afterwards, or at least with rare exceptions, made conditional, not merely that the specific services for which they were voted might be secured, but that, as the voluntary gift of lords and commons, they should not by any pretence be drawn into precedents as of right or force.

Confirmations of Great Charter.

Attempts to impose taxes without Parliament.

Money supplies made conditional.

The long and remarkable reign of Edward the First's grandson is the date of the Statute of Treasons, one of the greatest gains to constitutional freedom. It limited the crime, before vague and uncertain, to three principal heads; the conspiring the King's death, the levying war against him, and the adhering to his enemies; and, if any other cases for question should arise, it prohibited the judges from inflicting the penalty of treason without application to Parliament. Then also were passed those memorable acts against arbitrary conscription and compulsory pressing of soldiers, so repeatedly cited in the conflict with Charles

Edward III. 1327.

Statute of Treasons.

Acts against Conscription.

*Though my ancestor & namesake William Barthelemy the youngest son of Edward III, I cannot admit that his grandfather Edward I not merely "the greatest*  
*Introductory Essay*

the first, which saved to every man, except upon "the sudden coming of strange enemies into the realm," the obligation to arm himself only within his own shire. Without a struggle of which our records have kept the trace, these popular gains were won. What weaker sovereigns would have perilled life to hold, the third Edward conceded freely. He was too clear-sighted to grasp at a shadow when already he held the substance, and he was too powerful to fear concessions that had a tendency without danger to the throne to conciliate the other authorities of the realm. Peace had her victories for him, therefore, not less renowned than those which he obtained in war. He could compose or amuse his restless Lords by a politic foundation of the order of the Garter, as he propitiated his discontented Commons by a frank redress of the complaint or grievance. No manlier prince, and none more prudent or successful, ever occupied the English throne. No influence from the throne having plainer tendencies to popular cultivation, was ever left to a succeeding age. He had played with consummate genius the part of the first man in the realm. He had interested men in himself for no apparently selfish reasons, had justified his own ambition by the ambition of a common country, and had aggrandised his own glory as the summit of the nation's greater glory. Even his palaces gave the feeling of elevation to his people. The magnificent structures of Westminster Hall and Windsor rank justly with the intellectual influences that were then diffused; and, as though an era of

No forced pressing of Soldiers.

Character of Edward III.

Victorious in peace as well as war.

First man in the realm.

Intellectual influences of his reign.

*Earl of Hereford married the d. ch. of Thomas Duke of Gloucester  
 he was "the greatest of the Edwards," as I much soon regard  
 of the Edwards "on Plantagenets" but one of the greatest  
 § 1. The Plantagenets: Deposition of Richard II. 43  
 Sovereigns w. the world has soon known.*

so much that was great should not pass without a mark to distinguish it among even the greatest of all future time, the poet Chaucer arose to charm and instruct his countrymen, and, by the purification of their native tongue, to complete the national fame. Nor was this (perhaps the highest distinction of Edward the Third's reign) to pass without leaving traces in his statute-book. With much appropriateness it was enacted, in the thirty-sixth year of his government, that the English language which had been thus ennobled, should in future be used as the language of legislation.

Chaucer :  
1328.

Improvement of  
English:

Adopted  
in Parliam-  
ent rolls.

x The greatest of the Edwards governed England for fifty years, and called together seventy parliaments. He was succeeded by a prince of qualities in all respects the reverse of his, and whom Parliament deposed. Yet not more certainly in the enforced resignation of the crown which closed the reign, than in the rebellion of the serf-class which signified its commencement, did Richard the Second's rule bear testimony to the strength and efficacy of principles promoted equally by the rule of Edward. Placed even on the inferior ground of a conflict between the higher powers of the State; calling it mere gain to the King when he broke down the exclusive pretensions of the great lords by forcing their House to recognise his writs of summons, and counting it but as a new privilege to the Barons when they led Henry of Lancaster to the throne; the consequences of this reign were momentous. With at least the nominal co-operation of the constituted authorities of his empire, a legitimate

Richard  
II. 1377.

Results of  
Richard's  
deposition.



People's  
power to  
alter the  
succeſ-  
ſion :

Sole claim  
of Houſe  
of Lan-  
caſter.

Terms of  
Richard's  
ſubmiſ-  
ſion.

His abdi-  
cation  
made com-  
pulſory.

King had been depoſed; and never was it afterwards diſputed, that the ſolid and ſingle claim of the dynasty which took his place, reſted upon the ability of Parliament, or of the power which thoſe Lords and Barons with all England armed behind them repreſented, ſo to alter the ſucceſſion. By the wording of the acts of ſettlement connected with the change, that moſt eſſential principle of popular right was fully admitted; and from them were derived the hiſtorical and legal precedents which, down to our own time, have proved moſt advantageous to the people.

The people's political importance was in fact eſtabliſhed by it. It ſtruck out from the dictionary of the State the terms of 'divine right,' and 'indefeasible power.' "I confeſs," ſaid the humbled prince to the men who had withdrawn their allegiance, "I recogniſe, and, from certain knowledge, conſcientiouſly declare, that "I conſider myſelf to have been, and to be, "inſufficient for the government of this kingdom, and for my notorious demerits not "undeſerving of depoſition." Nor was the voluntary abdication held ſufficient. The Houſes of Lords and Commons, in ſolemn conclave in the hall at Weſtmiſter, made Richard the Second's renunciation of his crown their own compulſory act, and, amid the ſhouts of the common people who had there aſſembled, Henry of Lancaſter was conducted to the vacant throne.

Hardly at any preceding period, even among the Saxons, had the popular principle taken more viſible ſhape than on that momentous

occasion. It was only some few years before that the exclusive pretensions of the barons had been invaded, by admission of regal writs of summons into their house; and here they were now themselves inducting a new sovereign to the seat of supreme power, with less guarantee that he would found his future pretensions on the fidelity of their swords, than that he would rest it rather on the adhesion of the people. From those approving shouts, in which the old Saxon liberty might again seem pealing through the air, there doubtless fell more safety on the ear of Bolingbroke, than from the mailed tread of the barons who led him to Richard's chair. May we not even accept the fancy of the poet whose genius takes rank with history, and suppose the new sovereign of the house of Lancaster, for years before this crowning day, a suppliant candidate for the popular cries that at length hailed the downfall of the family of York?

Popular principle accepted.

Adhesion of the people.

Soliciting the Throne.

Ourself, and Bushy, Bagot here, and Green,  
 Observ'd his courtship to the common people.  
 How he did seem to dive into their hearts,  
 With humble and familiar courtesy;  
 What reverence he did throw away on slaves,  
 Wooing poor craftsmen with the craft of smiles,  
 And patient underbearing of his fortune,  
 As't were to banish their affects with him.  
 Off goes his bonnet to an oyster wench;  
 A brace of draymen bid . . . God speed him well. .  
 And had the tribute of his supple knee,  
 With . . . ' Thanks, my countrymen ! my loving friends !'  
 As were our England in reversion his,  
 And he our subjects' next degree in hope.

Shakespeare's  
 Bolingbroke.

Nor did these crafty courtesies cease, on Henry IV. attainment of their first great object. Every popular limitation of his right was accepted

1399:

King Bo-  
lingbroke.

Elevation  
of the  
people.

Parlia-  
mentary  
assump-  
tions.

Precedent  
for Hano-  
verian suc-  
cession.  
1406.

ungrudgingly by the first prince of the house of Lancaster. Wary as he was bold, the policy of Bölingbroke continued to be the policy of Henry the Fourth. The parliamentary authority which had given him power, and the popular sympathies which had confirmed his title, were in every possible way promoted by him during the fourteen years of his great though still disputed rule; and no one who examines the preambles and other wording of the statutes that were passed in his reign, can fail to be struck with the sense of how much the commonest orders of the people must have risen since the date of the reign of John, in all that, with the feeling of personal power, brings the hankering after political privilege, gradual means to estimate freedom at its value, and strength ultimately to win it. Henry's first House of Commons re-asserted the right on which his title was based, by taking on itself to recognise his son as prince of Wales and heir apparent to the throne. This proceeding was revived and confirmed in the year 1404, when the sovereign obtained from the parliament a formal permission that the right of succession to the crown should be vested in the prince's brothers, if he himself should die without heirs. In 1406 another and greater step was taken, the Commons themselves in that year carrying up a petition to Henry, to limit the succession to his sons and their heirs male. This was in effect a precedent for the settlement of the crown in after years on the house of Hanover.

Other precedents, scarcely less important,

date from this reign. In the first session of Henry the Fourth, a law was passed that no judge should be released from the penalty affixed to the sanction of an iniquitous act, by pleading the orders of the king, or even danger to his own life from the sovereign's menaces. In the second year of the reign, the practice which was afterwards one of the strongest bulwarks of popular privilege, and which had now been for some time substantially operative, was formally insisted on as a right; and a necessary supply was proposed to be withheld from the prince until he had answered a petition of the subject. The Commons in person, headed by their Speaker Sir Arnold Savage, formally proffered this bold claim. Three years later, the king was desired to remove from his household four officers, one of them his own confessor, who had given offence to the Commons; and Henry complied with the request, that he might not, as he said, leave the wishes of his faithful subjects unsatisfied. At the same time he informed them that he knew of no offence which the persons complained of had committed. In the sixth year of the same reign, while the Commons voted the king supplies, they appointed treasurers of their own to make sure that the money was disbursed for the purposes intended. In that year, also, new laws to regulate parliamentary elections attested the rapidly increasing strength of the third estate. A statute on "the grievous complaints of the Commons against undue elections for shires from the partiality of sheriffs," and directing "that in

No judge  
to plead  
King's  
orders.

Claim to  
make sup-  
plies con-  
ditional on  
redress.  
1401.

Officers  
House-  
hold re-  
moved.  
1404.

Law for  
regulating  
County  
Elections.

All Free-  
holders  
to vote.

“ the next County Court, after writs for par-  
“ liament are delivered, proclamation shall be  
“ made of the day and place of the parliament,  
“ and that all they that be there present, as  
“ well suitors duly summoned as others, shall  
“ proceed to the election freely and indiffer-  
“ ently, notwithstanding any request or com-  
“ mand to the contrary”—bears date in the  
year 1406.

The lack-  
learning  
Parlia-  
ment.  
1406.

That was the year, too, in which the House  
of Commons having been asked to grant sup-  
plies, startled the King with a plain proposal  
that he should seize all the temporalities of the  
Church, and employ them as a fund reserved  
for the exigencies of the State. It is needless  
to describe what the Church was then, or the  
extent to which the ill-gotten wealth of the

Accumu-  
lation of  
Church  
property.

regular clergy had attained. Its accumulation  
had been checked by statutes of mortmain  
under the first and third Edwards, but these  
again were eluded by licences of alienation ;  
and the competent evidence of Bishop Burnet  
permits us to add that the hand of a church-  
man is not very ready to let go what once it has  
firmly grasped. Even more objectionable than

Its un-  
equal dis-  
tribution

the extent of this wealth, was its unequal ap-  
portionment. While such abbots as those of  
Reading, Glastonbury, or Battle, lived with the  
riotous pomp of princes and passed their days  
in feasting, thousands of monks, learned and  
laborious, were struggling with sordid poverty  
in its lowest and most degrading forms. The  
project of the Commons included, therefore, a  
general and reasonable endowment of all the  
clergy, to precede any state appropriation of

the enormous surplus of ecclesiastical revenues. The argument they urged for it, and again and again repeated, was, that such exorbitant riches no less than such too scanty earnings could tend only to disqualify all sections of the Church for the due discharge of ministerial functions; and though they failed in their immediate purpose, and had a heretic or two burned in their faces by way of archiepiscopal revenge, and were dubbed by the higher clergy in scorn a lack-learning parliament, they might have felt that, by the very agitation of such a question, the seeds were sown of no partial gain for posterity. The Church itself had most reason to regret its immediate failure. But it led to some important checks on clerical privilege; and the thirty articles which, two years later, were not only proposed but conceded, for the regulation of the King's household and government, have been declared by Mr. Hallam, an authority well entitled to respect, to form a noble fabric of constitutional liberty, hardly inferior to the petition of right. The Sovereign was required to govern by the advice of a permanent council; and this council, together with all the judges and the officers of the royal household, were bound by solemn oath to parliament to observe and defend the amended institutions. It established in effect the principle of ministerial responsibility; and it is a remarkable evidence of the same spirit, and of the strong popular impulse favoured, if not created, by the accession of the House of Lancaster, that an attempt made by the Lords to interfere with the taxation of the people, in the year after the

Proposal to seize it for better appropriation.

Failure of attempt.

Thirty articles for regulation of King's affairs.

Ministerial responsibility established. 1410.

Inter-  
ference  
with Tax-  
ation by  
the Lords  
resisted.

County Elections Bill passed, was strongly resented and resisted by the Lower House, as in great prejudice and derogation of their liberties.

Changes  
since the  
Conquest.

To this, then, had been brought, at the opening of the fifteenth century, that claim of a Sovereign Authority which in the older time had certainly been conceded to the Norman King. For it would be as idle to doubt in what division of the State the Conquest temporarily vested such authority, as to deny that many forms of it still were retained long after its substance and vitality had departed. Still, for example, the course of legislative procedure retained vestige of exclusive kingly rule. Petitions were still presented by the Commons, considered by the Lords, and replied to by the King; which, being entered on the parliament roll, formed the basis of legislation by the monarch himself. Even down to Henry the Fifth, indeed, on the authority of a somewhat remarkable remonstrance found on the roll, we find it alleged as a not unusual practice for the King, taking advantage of the custom which had so arisen of leaving statutes to be drawn up by the judges from the Petition and Answer during the parliamentary recess, to induce or compel the judges to misrepresent and falsify the intentions of parliament, by producing statutes to which it had not given assent. But how strikingly it proves that the sovereign authority, as a real working power, had declined, and that the Houses, representing the power which stood in arms behind them, had risen, when such artifices were thought

Petitions  
and Bills.

Royal  
evasion of  
Parlia-  
mentary  
control.

worth resorting to; and how significant the fact that in the very next reign even the form disappeared altogether, and, in place of the old Petitions, the introduction of complete statutes under the name of Bills was effected. Bills substituted for Petitions.

What the sword had won the sword should keep, said Henry the Fifth on his accession; Henry V. 1413. but what was meant by the saying has its comment in the fact that in the year which witnessed his victory at Agincourt, he yielded to the House of Commons the most liberal measure of legislative power which until then it had obtained. The dazzling splendour of his conquests in France had for the time cast into shade every doubt or question of his title, but the very extent of those gains upon the French soil established only more decisively the worse than uselessness of such acquisitions to the English throne. It is a striking example of the good which is wrought out of evil by an all-wise and overruling Providence, that the very mischiefs incident to these wars, the necessity for unusual supplies, and the unavoidable burdens thrown upon the people, led to such legislative concessions of a popular kind as till then had not been obtained. The necessities of the sovereign were supplied, but the full equivalent was demanded and received in a maintenance of the restraints upon his prerogative. The distinction of Henry's reign in constitutional history will always be, that from it dates a power, indispensable to a free and limited monarchy, of which not only were the leading Good out of evil.

Advantage to Commons from Henry V.'s wars.

Further restraints on the prerogative.



safeguards now obtained, but at once so firmly established, that against the shock of incessant resistance in later years they stood perfectly unmoved.

Admission  
of rights  
of legisla-  
ture.

They had followed, as a kind of inevitable consequence, from that formal admission of legislative rights in the Commons, just adverted to, which led to the change from Petitions to Bills. An Act had been passed, providing that "from this time forward, by complaint of the Commons asking remedy for any mischief, there be no law made thereupon, which should change the meaning by addition or by diminution, or by any manner of term or terms;" and a formal grant, in the name of the King, was at the same time appended to it, stating that from thenceforth, nothing "be enacted to be petitions of his Commons that be contrary to their asking, whereby they should be bound without their assent."

Law  
against  
tampering  
with peti-  
tions.

It was hardly to be expected, therefore, that when subsequently, in the same reign, the Commons claimed certain rights and exemptions needful to the discharge of their trust, to last as long as the trust lasted, and to cease when it was laid down, such a demand could safely be resisted. Among other things, they required personal release from such judicial proceedings as might impede parliamentary functions. They asserted the right to an absolute despotism concerning every thing that passed within their own walls. They exacted the exclusive jurisdiction of offences which tended to impair their powers or obstruct their public duties. In a word, they achieved what was thenceforward

Exemp-  
tions  
claimed  
for mem-  
bers of  
the Com-  
mons.

known by the formidable name of Privilege of Parliament; the shield and buckler under which all the battles of liberty and good government were fought in the after time.

An attempt to drag the adjudication of the privilege into courts of law followed; when, in the famous case of Thorpe the Speaker, the judges declared "that they would not deter-

"mine the privilege of the High Court of Parliament, of which the knowledge be-  
 "longeth to the Lords of Parliament, and not  
 "the justices." Nor will it be hazardous to predict that when this privilege is in any material point abandoned, political freedom is at an end. When deputed rights are successfully assailed, absolute rights are no longer safe; and parliaments without parliamentary liberties, as Pym nobly said, will be but a fair and plausible way into bondage. Not many years afterwards, another most momentous claim was conceded, for which the present right had served to herald the way. This was the awful power of Impeachment, which, also won in the same reign, was never again lost.

For let it not be thought that all the fruits of the hard-fought liberal victories were at once gathered in and stored for peaceful and uninterrupted enjoyment. What most impresses the careful student of early English history, is the marked distinction he finds it necessary to keep before him, between the securities of civil freedom as generally existing and in substance recognised, and their violation as frequently and flagrantly permitted. Still the violation, when it occurred, was seen

Privilege  
of Parliam-  
ent.

Thorpe's  
case.

Estab-  
lished  
against the  
courts.

Right of  
impeach-  
ment won.

Liberal  
gains  
inter-  
cepted.

Freedom  
outraged

but not  
lost.

Conces-  
sions to  
force.

Henry VI.  
1422.

Differ-  
ences in  
quarter of  
a century.

Voting of  
all free-  
holders in  
counties.

to be such. "So when the Lion preyeth," as brave old Sir Edwin Sandys told the House of Commons early in James the First's reign, "no cause to think it his right." So when James claimed a privilege of the Plantagenets as a flower of the Crown, "the flower hath had "a long winter, then," quaintly interposed Sir James Whitelocke, the father of Bulstrode, "since it hath not budded these two hundred "years!" Of a mingled character in this respect were the results of the long and bloody contest, now about to begin, between the rival branches of the Plantagenet family; but it does not admit of doubt that the final pre-dominance of the house of Lancaster was, like its accession, favourable to popular liberty. The influence from which it first derived authority, still imparted power. The right of parliament to alter the succession was the title on which that house rested, and in its continuance the popular sanction was implied. The legislation of Henry the Sixth was less popular than that of Henry the Fourth, but the very fact marks the progress which had been made in the interval. Henry the Fourth's statute "against undue Elections for Shires from "the partiality of Sheriffs," gives the power of voting to every one present at the place of election, as well suitors duly summoned as others. Henry the Sixth's statute "for the "due Election of Members of Parliament in "Counties," limits the right to such as possessed forty shillings a year in land free from all burthens within the county, but offers priceless proof, in the very terms of its pre-

amble, of how great had been meanwhile the advance among the commonest orders of the people in at least a knowledge of their strength and their pretensions to power. "Whereas," it ran, "the election of knights has of late, in many counties of England, been made by outrageous and excessive numbers of people, many of them of small substance and value, yet pretending to a right equal to the best knights and esquires, &c." As the period of the accession of the family of Tudor approaches, the full effect of influences that had led to such legislation is distinctly seen.

Limited to forty-shilling freehold-  
trs.

Greater importance of  
the people.

The heaviest blow had been struck unconsciously at the feudal system in England when the third estate of the realm obtained a formal place in the legislature, and with the accession of Edward the First the feudal tenures and privileges had begun rapidly to decline. Domestic and prædial servitude had also been abolished, or had fallen to disuse; and though villenage was never repealed by any regular enactment, the peasantry had gradually been emerging from it into the state of hired labourers and copyholders. During the interval up to the wars of the Roses, without express external aid, society had been finding for itself a more easy level throughout its various gradations. The few aristocratic privileges that remained were no peculiar burden on the knight, the gentleman, or the yeoman, the burgess, or the labourer; and, what is very important to keep in mind, these several particular classes had obtained their form and

Feudality declining.

Villenage passed away.

Changes in Society.

Higher  
develop-  
ments of  
feudal  
principle.

place in simple obedience to the working of general laws. Servitude or villenage was no part of feudalism; and the tendency of the feudal system itself was to decay, in proportion to the higher development of that principle of mutual rights and duties, and of the corresponding obligations thereby engendered, on which feudalism was founded.

A con-  
traft.

1381.  
Tyler's  
Rebellion.  
Popular  
demands.

A more striking illustration of this truth could not perhaps be afforded than by the contrast, which has not escaped observation, between the insurrections of Wat Tyler and Jack Cade. It is the remark of Sir Frederick Eden, in his excellent book on *The Poor*, that in the earlier of these popular tumults, which, notwithstanding the atrocities that attended it, very materially contributed towards the extinction of servitude, the language of the rebels, who were chiefly villeins, bespeaks men not unacquainted with the essential requisites of rational liberty. They required the abolition of slavery, freedom of commerce in market towns without tolls or imposts, and a fixed rent on lands instead of services due by villenage. But more remarkable and worthy of notice is the advance which, after the comparatively short interval of three quarters of a century, Jack Cade's rebellion proclaimed. Here there is nothing to connect the movement with any forms of serfdom. What rebels now claimed with arms in their hands, was the redress of such public wrongs as the King's profligate expenditure, and the subject's exposure to illegal exactions in order to maintain it; the preference of foreigners over

1450.  
Cade's  
Rebellion.  
Popular  
demands.

Englishmen in the offices of State ; the gross wrongs committed by sheriffs and the collectors of taxes ; the imperfect and uncertain administration of justice ; and finally (most memorable grievance of all) the unwarrantable interference of the nobles in elections for the House of Commons. Nothing could more strongly show how rapid must have been the fall of the feudal system when once the change began ; or how naturally the classes immediately below the noble, had become parties to a league offensive and defensive against him. The good old Fuller so hated all rebellions, except rebellions against popery, that he finds in these popular insurrections a reason why the better sort of people, to avoid being confounded with levellers and rabble, set up a variety of nice social distinctions : but the truth lies exactly the other way. Less and less were the distinctions marked, as the Tudor time came on. Commerce and intelligence level by exalting. And Mr. Hallam has pointed attention to the very unpleasing remark, which everyone who attends to the subject of prices will be disposed to think not ill-founded, that the labouring classes engaged in agriculture were generally better provided with the means of subsistence in the reign of Henry the Sixth than at the period when he wrote.

Rapid fall of Feudal System :

as the people rose.

Levelling of distinctions.

Comforts of labouring classes.

Evidence more direct and positive, indeed, is not wanting, of the comparative happiness and freedom of the people generally under the latter years of the Plantagenet rule. Two very trustworthy writers have sketched, from personal observation, the respective condition

Respective condition of England

and of  
France.

Contrasts  
of the two  
nations.

Testi-  
mony of  
Sir John  
Fortescue:

and of  
Philip de  
Comines.

of England and of France at this time ; and both have directed attention to the fact that while, in France, there existed only the two divisions of a powerful governing noblesse and a servile peasant population, in England, on the other hand, a third and middle class had been able to make good its independence, because the nobles wisely had retained no privileges that prevented their mixing and marrying freely with other classes of the realm. So while in France the principle of the Civil Code, that the will of the monarch is law, prevailed, the people in England lived under protection of laws of their own enacting ; while the French people were plundered at the sole discretion of their Prince, who gave immunity only to the nobles, the English people paid taxes of their own imposing ; and while an Englishman upon any charge of crime had the benefit of trial by a jury of his peers, confession was extorted from a Frenchman by the rack. When thus, twenty years before Henry the Seventh ascended the throne, Sir John Fortescue wrote in praise of the English laws, he placed all these advantages on the distinct ground of the special limitation of the power of the Sovereign, and of the non-exclusive character of the privileges of the Lords ; and when his yet more travelled and experienced contemporary, Philip de Comines, turned to England from the contemplation of other States, as the country where the commonwealth was best governed, it was because he had reason to believe that there the People were " least oppressed."

What the main guarantees against oppression were, Henry the Sixth's learned Chancellor enables us to state in detail with tolerable exactness. In the first place, the "sole will of " the prince " could not enact a law, nor make alterations in existing laws, nor "burthen men " against their wills with strange impositions," nor "lay taxes or subsidies of what kind " soever upon the subject," but with the concurrent consent of the whole kingdom through their representatives in Parliament. These representatives consisted of the lords spiritual (bishops and mitred abbots), and lords temporal (in right of property, by hereditary claim, or, after Richard the Second, by summons), who voted in the upper house; and of individuals chosen by the freeholders of counties, and the burgesses of towns, who formed the lower house. In the next place, no man could be thrown into prison, but under sanction of a legal warrant which specified his offence, and with the right of demanding speedy trial. That trial, moreover, must be heard in a public court, in the district where the alleged offence was committed, and be determined conclusively by the verdict of twelve men; which in like manner decided questions of fact, as affecting the civil rights of the subject. Finally, the servants and officers of the Crown were liable to actions of damage, or to criminal process, when the subject suffered unjustly at their hands in person or estate; nor could they plead in answer or justification, even the direct order of the Sovereign.

*De Laudibus Legum Angliæ.*  
1465.

Restraints on prerogative.

Constitution of Parliament.

Rights of the subject.

Responsibility of the Crown.

How far these guarantees, and especially the



Encroach- last, were reduced or evaded in practice, it  
 ments of would not be difficult to show. Lord Macau-  
 Executive. lay has remarked on the facility with which a  
 prince who reserved to himself a pardoning  
 power might overstep the limits that separate  
 executive from legislative functions, by so  
 remitting or so enforcing penalties as virtually  
 to annul or create the statute imposing them.  
 But, in theory at least, no one ventured to  
 dispute the law; and when judges were honest,  
 and juries intelligent and brave, an effective  
 restraint was not seldom put upon the Crown.

Checks of The checks of Parliament had invariable re-  
 Parlia- cognition. In affairs of peace and war, in the  
 ment. marriages of princes, in control of the domestic  
 government, Parliament had now for centuries  
 claimed and obtained the privilege of advising,  
 and not seldom of restraining, the Sovereign;  
 and in one momentous question, it had com-  
 pletely succeeded, as we have seen, in establish-  
 ing its paramount authority. The formal  
 tenure and absolute control of the public  
 purse had at length been finally yielded by the  
 Crown. The struggle lasted long; but more  
 than a century before the first Tudor, no prince  
 had even attempted to impose a tax without the  
 consent of Parliament. Happily for the prince,  
 indeed, when such consent involved any great  
 difficulty, he had the show of begging and bor-  
 rowing to resort to; but the very name of the  
 Loan or the Benevolence, the mere pretence that  
 he would borrow and beg, kept alive his formal  
 abandonment of the right to take, and at last  
 strengthened the people to destroy it for ever.

Loans and Benevo-  
 lences.

One consideration should be added, which in

every retrospect of English constitutional history it is safe not to lose sight of. In reviewing the course of events through which the Commons' house of parliament obtained recognition, it is important not to attach too great a weight to their single unassisted authority. They profited less by power to which they could of themselves lay claim, than by power or weakness in other sections of the State. They were stronger after the rebellion of the serfs, which struck the blow at villenage; they were stronger after the rebellion of the barons, which crowned the first Lancastrian king. Deriving help alternately from the powers above and below themselves, it would have fared ill with the third branch of the legislature at any difficult crisis, if, unsupported by the people, they had been unassisted by the lords. Nor might it be unjust to measure the relative value of such support and of such assistance, by a comparison of the less perfect maintenance of the national liberties, with the absolute victory in taxation. In the first, the Commons were often deserted by the Barons; in the last, they were never deserted by the People.

Source of strength to Commons.

Derived from other powers.

Assisted from above and from below.

The People the supreme force.

There the supreme force lies. None exists that can be compared with it, when moved into action. The bodily fetters of the feudal system, the mental bondage of the Roman Catholic priesthood, were expedients to keep the People at rest; but they could not last for ever. The doom of feudalism had gone forth, before the preaching of Wickliffe began. It only remained that the aristocratic factions should throw themselves into a self-exhausting strug-

Expedients to keep it down.

gle, and, underneath the very storm, provide for those principles which they must else have resisted, and might have overthrown, an unconscious but efficient shelter.

Wars of  
Roses.  
Edward  
IV.  
Edward V.  
Richard  
III.  
1461.  
1483.

Legisla-  
tion  
during  
Civil  
wars.

Richard  
III.'s  
statute  
against  
forced  
loans.

During the wars of the Roses there was no leisure to persecute the Lollards; and commerce and the arts, unobstructed by any intermeddling, were left to their natural development. Even when there was intermeddling, it showed how Commerce had been rising. The few legislative enactments of this singular period, passed when parliaments were at leisure from raising or putting down the rival sovereigns, sufficiently prove its importance, and that of its cultivators. It was a parliament of Edward the Fourth, which, after confirming the statutes of the fourth, fifth, and sixth Henries (with the impolitic and dangerous distinction of "late, in fact, but not of right, kings of England") prohibited the importation of foreign corn; it was in parliaments of Edward the Fourth and Richard the Third, that importations of foreign manufacture were forbidden, where the like articles could be produced at home; and it was by Richard the Third himself (who had the strong inducement of all usurpers to invite popularity from every source) that the practice of extorting money from merchants and citizens, on pretence of loans and benevolences, was abolished, for which the usurper has obtained the praise of Lord Bacon as "a prince in militar virtue approved, jealous of the honour of the English nation, and likewise a good law maker, for the ease and solace of the common people." Thus the

marked increase and growing respect of commerce, the sudden reawakening of learning, advances made in the useful arts, and the earliest great endowments for the foundation of grammar-schools and places of popular education (after the 25th of Henry the Sixth, these foundations increased rapidly everywhere),— are the incidents which also signalise the time, when the chiefs of the great families, ejected finally from those provinces of France which had fed their appetites for plunder and power, had been impelled to that conflict with each other, on their own soil, of which all the sufferings and all the retribution were to fall upon themselves alone. For though this was a strife which lasted incessantly for thirty years, though twelve great pitched battles were fought in it, though eighty princes of the blood were slain, it raged only on the surface of the land, and the peaceful current beneath was free to run on as before. The desolation of the bloody conflict never reached the heart of the towns, except in awakening such instincts of danger as are the primary sources of safety. Hence, on the one hand, for precaution and defence, guilds, commercial brotherhoods, and municipal safeguards silently arose, to grow more hardy and to flourish; while, on the other, ancient baronies, all-powerful families, names that had overawed the crown and overshadowed the people, sank in the conflict, never to rise again. The storm that swept the lofty, spared the low. It was the beginning of a vast social change, now accomplished apparently without the aid of those whom principally it was to

Advances in commerce, learning, and the arts.

Loss of the French provinces.

War on surface of the land, Peace beneath.

Commercial guilds replacing great families.

Break-up  
of system  
of Middle  
Ages.

Kingcraft  
succeeds.

Its chief  
professors.

French,  
Spanish,  
and Eng-  
lish kings.

Results in  
England.

affect; and not limited to England. Over the whole continent of Europe its manifestations might be seen. The system of the Middle Ages was everywhere breaking up. The sway of a feudal chiefdom, in all modifications of its form still fitful and turbulent, was ending; and there was rising, to take its place, a predominance of kingship in personal attributes, a calm concentrated individual cunning, or, as it was called in after years, when it had lost the subtle qualities that justified the name, a Kingcraft, which in two great monarchies was destined to overpower Freedom, and in the third to fall before it.

The *tres magi* of kings, renowned for possession of this supreme craft, have been celebrated by Lord Bacon. Louis the Eleventh had arisen in France, and Ferdinand in Spain; yet the lesson for which Machiavelli waited was incomplete, until Henry Tudor took possession of the English throne. To the French and Spanish kings, with standing armies at their back to silence their States General and their Cortes, the task of tyranny was not very difficult; but an insular kingdom, protected from its neighbours by the sea, had no pretence to indulge in such a sovereign luxury as the professional Soldier, and the more difficult problem awaited our English king of predominating over parliament by sheer force of the prerogative. Favoured by circumstances, it succeeded for a time; but it left to a later time that forced readjustment of the balance, which, by raising parliament far above the prerogative, preserved for us finally the old Constitution of the realm.

§ II. THE TUDORS.

THOUGH the last living representative of the house of Lancaster, Henry Tudor was not its legitimate heir; but from his marriage with the heiress of the house of York, he derived a strong title. His own dissatisfaction with it nevertheless, and his uneasy desire to surround it with other guarantees, are among the indications of a state of feeling in England, at the time, which further distinguishes the position of Henry the Seventh from that of the other of the *tres magi*. The act of settlement passed by the two Houses upon his accession, taking great pains to avoid either the assertion or contradiction of any pretensions of lineal descent, had created strictly a parliamentary title; but he afterwards obtained a rescript from Pope Innocent the Third, setting forth all the other conditions on which he desired it to be known that the crown of England also belonged to him. It was his, according to this document, by right of war, by notorious and indisputable hereditary succession, by the wish and election of all the prelates, nobles, and commons of the realm, and by the act of the three estates in Parliament assembled; but nevertheless, to put an end to the bloody wars caused by the rival claims of the house of York, and at the urgent request of the three estates, he had consented to marry the eldest daughter and true heir of Edward the Fourth: and now, therefore, the supreme Pontiff, being called to confirm the dispensation necessary to such mar-

Henry VII. 1485.

Uneasiness as to succession.

Parliamentary settlement.

?  
*Innocent VIII - In. III lived 3 Centuries earlier.*

Pope's rescript on Henry's title:

trans-  
lated for  
the people.

and first  
printed in  
broadside  
by Caxton.

Lord  
Boling-  
broke's  
view of  
the reign.

Losses to  
public  
liberty.

Defection  
of parlia-  
ment.

riage, declared the meaning of the act of settlement passed by Parliament to be, that Henry's issue, whether by Elizabeth, or, in case of her death, by any subsequent marriage, were to inherit the throne. More remarkable than the rescript itself, however, were the means taken to carry it directly to the classes it was meant to address. It is the first similar document of which we have any evidence that it was translated into English and circulated in a popular form throughout England. A broadside containing it, printed by Caxton, is one of the most interesting of modern discoveries in matters of this kind.

Such indications may at least satisfy us that Henry Tudor would not very gravely have resented the description which has been given of him by Lord Bolingbroke, as a creature of the people raised to the throne to cut up the roots of faction, to restore public tranquillity, and to establish a legal government on the ruins of tyranny. The same writer, however, who doubts if he succeeded in this design, is undoubtedly wrong when he supposes that he failed in establishing what by all the customs of historical courtesy must be called a legal government. It is not of course to be disguised that in spite of many great principles asserted in it, and advantages achieved, his reign was not in its immediate course favourable to liberty. But the fact, as little to be questioned, that during its continuance, risings in the Commonalty were far more frequent than remonstrances in the Commons, and that upon questions where the people proved most

stubborn, parliament generally was most compliant, sufficiently shows that the defection did not so much lie with the people themselves, as with their proper leaders in the State. It was nevertheless the peculiarity of Henry's despotism, as distinguished from that of his more violent predecessors, that he bottomed it strongly on the precedents and language of law, screening the violation of liberty by artful employment of its forms; and though this may have made the despotism more odious while it lasted, it established more certainly a limit to its duration. Relatively to what is called the State, circumstances had thrown an overbalance of power into the hands of Henry; but to the mass of the people, these very circumstances rendered him unconsciously the instrument of great social and political change. The position he occupies in history, and the rights he exercised, began and ended with his race.

Maintenance of legal forms.

Peculiarity of Tudor despotism.

Everything at once showed signs of deep and permanent alteration. The immediate result of the battle of Bosworth, which left victory in the hands of Henry and the smaller baronial faction of the Lancasters, was the commencement of a system by which the more numerous nobles of the opposite faction were as much as possible depressed, by which severe statutes against the further prevalence of armed retainers were freshly enacted or revived, restrictions on the devising of land in effect removed, and all things directed towards an ultimate transfer of the old baronial strength into entirely new channels. Poverty itself

Indications of social change.

Power changing hands.



Necessity  
for a Poor  
Law.

became the herald and forerunner of change. While large numbers of the baronial vassals took refuge in the towns, increasing their power and privileges, large numbers unhappily still remained upon the soil; and these, no longer necessary for the shows of pomp or the realities of war, suffered the worst horrors of destitution, were driven to its last resources, became incendiaries or thieves, overran the land as beggars, and, in the end, rendered necessary that great social revolution, which took the name of a Poor Law in the reign of Elizabeth.

House of  
Lords:  
29 in  
number.

Of the shattered aristocracy of England only twenty-nine representatives presented themselves when Henry called his first Parliament, and several of these were recent creations. Doubtless it was well, for the ultimate advance of liberty, that the old feudal power had thus been so completely subdued, and the way by such means prepared for the decisive struggle with the Stuarts; but for the immediate progress of liberty, it was certainly less beneficial.

Commons  
weakened  
by weak-  
ness in  
Lords.

The House of Commons, suddenly wanting in an old and habitual support, was too ready an instrument for the mere use and convenience of the King; and to avail themselves, in such circumstances, of every attainable advantage and turn it to the best account, in each case holding it for religion that craft might supersede force, constituted the very art and genius of the *tres magi*. But though such circumstances worked well for the Mage upon the English throne, he did not, with all his craft, penetrate influences around him that were

Influences  
unseen.

less obvious; nor suspect that, by a purely selfish legislation, he might yet be advancing higher hopes and more comprehensive designs. Surrounded, and no longer assailable, by the impoverished and broken power of the past, he was unconscious of a more formidable power which was silently and insensibly replacing it. He thought only of himself and his succession. When, by the statute enlarging and extending the old *Consilium Regis*, and creating the Star Chamber, he raised the judicial authority of the King in Council to a height at which the fiercest of his Norman predecessors would not have dared to aim, he did it to support the Throne. That a rallying cry against the Star Chamber might one day bear the Throne into dust was not to him within the sphere of possibility. What was near him, in short, he never mistook or marred, and no man so clearly saw what would help or might obstruct himself. As Lord Bacon says, he went substantially to his own business; and, to the extent of not suffering any little envies or any great passions to stand in its way, he was a practical and sagacious statesman. But he was not a great king, though he might be called an able, a crafty, and a prudent one.

So much, even in the midst of eulogy that might itself have preserved his name, would seem to be admitted by his incomparable biographer. "His wisdom," says Lord Bacon, "by often evading from perils, was turned rather into a dexterity to deliver himself from dangers when they pressed him, than into a

Uncon-  
scious  
law-  
making.

Star  
Chamber  
created.

A keen  
but nar-  
row vision.

Lord  
Bacon's  
character  
of Henry  
VII.

“ providence to prevent and remove them afar  
 “ off. And even in nature, the sight of his  
 “ mind was like some fights of eyes; rather  
 “ strong at hand, than to carry afar off. For  
 “ his wit increased upon the occasion; and so  
 “ much the more, if the occasion were sharp-  
 “ ened by danger.” It will be a sufficient  
 comment on these pregnant sentences merely  
 to enumerate his leading acts of sovereignty.

Herefy he thought dangerous, and he burnt  
 more followers of Wycliffe than any since the  
 first Lancastrian king. Winner of a successful  
 stake in battle, he knew the chances of war to  
 be dangerous, and he favoured strenuously the  
 arts of peace. Served by men whom his  
 death or discomfiture might suddenly attain  
 with rebellion, he thought it dangerous to  
 leave those friends without security against the  
 possible vengeance of future faction; and he  
 passed a law which made possession of the  
 throne the subject's obligation to allegiance,  
 and justified resistance to all who should dispute  
 it. Incessant suits for alienated lands he thought  
 dangerous, in a country torn with revolutionary  
 quarrel; and his famous statute of fines barred,  
 after certain conditions, all claims of ancient  
 heritage. But not to him, therefore, belongs  
 any part of the glory of those greater results  
 which flowed indirectly from these measures of  
 precaution. It was with no intended help  
 from him that the Wycliffe heresy struck  
 deeper root; that more eager welcome was  
 given to the studies which in England marked  
 the revival of learning; that the civil duties  
 of allegiance were placed on a just foundation;

Leading  
 acts of  
 his so-  
 verignty.

What was  
 intended  
 by his  
 legisla-  
 tion.

What was  
 effected  
 beyond his  
 intention.

and that the feudal restrictions of landed property were finally broken.

On the other hand, with relation to the progress of constitutional freedom, or to the prevalence of just views in government and legislation, this reign of Henry the Seventh must be regarded as the opening of a middle or transitional state. The feudal strength had been broken, and the popular strength had not made itself felt; power was changing hands, and conscience was about to be set free, and both were to be meanwhile committed, almost unreservedly, into the keeping of the Tudors. The interest of the succeeding reigns, up to the very middle of Elizabeth's great career, is less political than social; and it is not in the statute book or the parliament roll that we are to look for what smoothed and made ready the way. Early in the summer of the eleventh year after Henry the Seventh's accession, a Venetian seaman and pilot who had settled in Bristol during the impulse given to English commerce in the wars of the Roses, set sail from that city, accompanied by his three sons, with the first European expedition that ever reached the American continent. Later in the same summer, Lord Mountjoy brought over Erasmus into England, to take part in the new study of which Oxford had become the unaccustomed scene. Of commerce, as of learning, it was the reawakening time. The Cabots discovered the Island of Newfoundland and St. John, and, with their five ships under the English flag, crept along the coast of Florida; while Erasmus, in the Greek class at

Interval  
between  
feudal and  
popular  
agencies.

First Ex-  
pedition  
to Ame-  
rica.  
1496.

Visit of  
Erasmus  
to Eng-  
land.

Sebastian  
Cabot in  
the New  
World.

Oxford, was making discoveries not less rich or strange. "The world," exclaimed the student-scholar, "is recovering the use of its senses, like one awakened from the deepest sleep." The civilisation so beginning, whatever struggle it had still to encounter, was to rest finally on freer intercourse and interchange of the labours of men's hands as well as thoughts; and singularly rare was the felicity that befel the great Greek poet, whose glory, identified with nigh two thousand years of the history of the past, was to be also most prominently associated with a fresh dawning and reawakening of the world. As with the old, so with the new civilisation, which, through all its heats and vicissitudes of quarrel, civil and religious, was to find him still, as at first, driving along the Sigæan plain his temperate and indefatigable horses, making the Gods themselves his charioteers and ministers, and keeping them, alike in the ardour of combat and the tranquillity of Olympus, obedient to his will.

Eraſmus  
in Oxford.

Revival of  
ſtudy of  
*Homer.*

Greek  
Profeſſor-  
ſhip at  
Oxford.  
1497.

Diſlike of  
the new  
learning.

That Greek Claſs at Oxford was formed, and in healthy vigorous action, when the ſecond ſovereign of the Tudor race, to whom even learned and intelligent inquirers have excluſively attributed the improvement in literary ſtudies and purſuits which was one of the redemptions of his reign, was barely ſix years old. It is wonderful with what alarm it was viewed at the very outset. Thus early public attention directed itſelf to what were called the growing Oxford hereſies. Lovers of exiſting ſyſtems and inſtitutions liſted warning voice

against them. Grave misgivings found utterance in many quarters; and for the most part in the tone of that good old English gentleman whose lamentations found later record in one of the writings of Richard Pace. "These foolish letters will end in some bad business. I fairly wish all this learning at the devil. All learned men are poor; even the most learned Erasmus, I hear, is poor, and in one of his letters calls the vile hag Poverty his wife. By'r Lady, I had rather my son were hanged than that he should become a man of letters. We ought to teach our sons better things."

A good old English complaint:

against Letters and Poverty.

Happily it was too late, for the mischief was done, and "the most learned Erasmus" had been its principal promoter. His brief sojourn at Oxford in his youth prefigures almost the whole of his illustrious career. The revival of learning—the re-awakening of the great writers of Greece and Rome—was to bring with it the downfall of the schoolmen; to whom the worst corruptions of the Church, and a large share of the vice and barbarism of monkery, were due. They had long banished from the studies of churchmen all pretence to a scriptural foundation. The honest pursuit of truth, they had replaced by argumentative subtlety; by methodical niceties of disputation; by scholastic distinctions, to the rest of the world unintelligible; by soul-killing lies, and "truths that work small good." It was the secret of the fierce opposition to the new learning, that it boded the ruin of this system sooner or later; and on the day when Erasmus

Part taken by Erasmus.

Disciples of Aquinas.

System  
of the  
School-  
men  
doomed.

Lan-  
guage an  
enslaver as  
well as  
liberator.

Connec-  
tion of  
words and  
things.

Eraſmus's  
great  
weapon.

"A Se-  
cond  
Lucian."

and Colet met at Oxford, its doom had been pronounced. With the jargon of the old learning still dominant around them, with perhaps audible sounds of hideous dispute from monks and friars beneath their college windows, it was natural (though all to which it would eventually lead might not be seen) that their first interchange of thought should have been on language and style. Language has been called the liberator of mankind, but has also proved itself hardly less their enslaver; for almost as often as it has freed them from ignorance, it has handed them over to prejudice, or rebound them in the chains of custom. If the success of the schoolmen, and their strength in the Romish church, had arisen out of the confusion and imperfect understanding of language which their barbarous disputations engendered, it was fairly to be inferred that out of clearer and correcter notions of words would follow closer insight into things.

Even if not at first, however, the entire intention of Erasmus, it is not the less his chief exploit and glory. With the mere weapon of style he was enabled to scourge the Dominicans from one end of Germany to the other. His exposure of the frauds and credulities of his age would have passed with comparatively little heed, if made less gracefully; and the printing-press of his friend Frobenius would have worked but heavily, if his easy and familiar wit had not lent it wings. "Beware a second Lucian!" cried the startled monks; "the fox is abroad that layeth waste

“ the vineyard of the Lord.” And if that was the vineyard of the Lord, it was indeed laid waste by Erasmus. “ He presumes to “ correct the Holy Spirit ! ” was the next note of alarm, as he presented to the world the first pure Greek text of the New Testament. But his gift was beyond recall ; and what was thus by Erasmus made familiar to the learned, a stronger and more resolute spirit was at hand to make familiar to the people. The great scholar, in a word, taught by Grocyn and advised by Colet, was now, during the reign of our first Tudor sovereign, preparing minds at Oxford for the work which, even more than the unexampled compass of his learning and the vast number of his writings, immortalised his name. “ Erasmus knows very well how to point out errors,” said Luther in after years, “ but he knows not how to teach the truth.” “ He can do nothing but cavil and flout,” he added ; when in temper even less tolerant of that friend and fellow-workman, whom not long before he had called his glory and his hope, *decus nostrum et spes nostra*. It might be so ; but the cavilling, and flouting, and rooting out of error, were in these early days the sowing of the seeds of truth. He who is to gather in the harvest, is as yet but a poor Franciscan schoolboy at Madgeburg, singing songs in the street for bread ; and, meanwhile, this devotion so single hearted, this real hatred of hypocrisy and ignorance, this pure love of learning, this exalted spirit of labour, sacrifice, and self-denial, which made Erasmus the harbinger of a change whose extent he could not

First pure text of the Testament.

The way prepared for Luther.

Complaint of Erasmus.

Harbinger of the Reformation.

Titles of Erasmus to respect.



His  
example.

measure, and by which he constituted others, men of knowledge and eminence, unconscious agents in a democratic revolution which of themselves they would strenuously have resisted, are surely entitled to large veneration and respect. It avails little against the claim, that the man who outran his time in thought, lagged behind it in action; and that, having borne the heat of a contest, he shrank from the responsibilities of a victory. What work was appointed him to do, he did with a singular success. Superstition and barbarism had their first resolute foe in him; the Scriptural foundations of truth and of morality had in him their great restorer; and it should be matter of pride to Englishmen that it was here in Oxford, and by intercourse with their countrymen, these glorious undertakings were canvassed, begun, and cherished.

His  
achievements.

His connection  
with Oxford.

Henry's  
Statutes.

The statute-book of Henry the Seventh, however, will be vainly searched for any attempt to strengthen, govern, or direct such agencies, whether material or moral. It was his policy to favour commerce for his own advantage; but most assuredly his provisions against lending money on interest, against letting in foreign commodities, and for the supposed enrichment of the country by over-enrichment of himself, would have altogether failed to promote it. Among his legislative exploits none will be found to favour learning, nor did any of his acts of State suggest toleration for the new opinions; but nevertheless he could not burn a Lollard, without more widely diffusing what men were so readily found calmly

Com-  
merce and  
learning  
indirectly  
assisted.

and even cheerfully to die for. To print an occasional pope's bull, or one of the acts of his own parliament, was the sole use to which he cared to put the types of Caxton or Wynkin de Worde; but there was sitting at the time, in those beggarly rooms of Oxford colleges, another parliament composed of such men as Grocyn, Linacre, Colet, More, Wolsey, and Erasmus, on whom that printing press was to confer an irresistible power, and who were legislating for the reign of his successor. Indeed, to that following reign, everything which marked out this from its predecessors had a singular and special reference; and not an opportunity in it, improved or not by Henry for himself, failed with tenfold increase to reach his son. Upon his two most prominent designs, of fencing the throne against conspiracy, and making it rich and independent, he suffered no doubt to rest. Of the few great nobles that remained, not one ever found favour from him; out of churchmen and lawyers exclusively, he chose his friends and counsellors; and "ever," as Bacon says, "having an eye to "might and multitude," there was not a gathering of common men, whether with the citizen's cap or the peer's badge, which was not watched by him so closely and unceasingly, and with so much caution, adroitness, and success, that of all the thick brood of treasons which marked the opening of the reign, not one existed at its close to vex its successor. That, even without his aid, the revenues of the Crown should at the same time have largely increased, was one of the consequences of the civil wars,

Uses of  
the Print-  
ing Press.

Legis-  
lating for  
the future.

Disfavour  
to nobles.

Favor to  
Church-  
men and  
Lawyers.

Throne  
guarded  
from  
Treason :

and enriched by Forfeitures.

which had dispersed the annuitants and creditors who previously crowded the door of the Exchequer; but these revenues were handed down not merely unimpaired, but free from incumbrances, increased by forfeitures, and with the enormous addition of his own ill-gotten exactions.

New methods of Extortion.

“Belike he thought to leave his son,” suggests Lord Bacon apologetically, “such a kingdom and such a mass of treasure, as he might choose his greatness where he would:” but nothing can palliate the iniquity by which such wealth was amassed. Every means of extortion tried by the Plantagenet kings having been exhausted, he sought out other and more scandalous methods; and when, in his Courts at Westminster, he had found two learned lawyers sufficiently able, supple, eloquent, and unscrupulous, he was in possession of what he sought. “As kings,” says James the First’s experienced Chancellor, “do more easily find instruments for their will and humour than for their service and honour, he had gotten for his purpose, or beyond his purpose, two instruments, Empson and Dudley.” These men revived dormant claims of the Crown, founded on obsolete pretensions of feudal tenure, and made them a means of frightful oppression. They discovered forgotten cases of forfeiture; invented false charges against innocent men, from which release was only given on payment of what were termed mitigations; dragged forward arrears of old amercements, alleged to be unsatisfied; and, with the help of a sort of informers and plaintiffs who were called “pro-

Empson and Dudley.

Uses to which they were put.

“moters,” made the ordinary course of law an enormous engine of plunder. Unremembered penal statutes of profligate times were revived, to the end that, by intolerable exactions for offences unknown, unconscious offenders might be dragged into the Exchequer; where Empson and Dudley sat as barons, where packed dependents of the Crown discharged the functions of juries, where juries with any sense of shame were made docile by imprisonment and fine, and from whose clutches the unhappy victims could only escape by exorbitant composition or hopeless imprisonment. But, horrible as all this was, not a little was it owing to such atrocities that Henry the Eighth succeeded to a better filled exchequer than any of his predecessors since the Conquest, and to so many greater facilities for the work it was appointed him to do.

Plunder  
under  
forms of  
law.

Henry  
VIII.  
1509.

They did not indeed pass without some retribution. Though new honours had been largely heaped upon their perpetrators in the last year of Henry the Seventh's reign, in the first year of Henry the Eighth's both Empson and Dudley were led to the scaffold. The popular wrath demanded them as victims; and, it being more convenient that death should wipe out their debt, than that by any worse accident the royal exchequer should be called to make restitution, the new King gave them up to the executioner. Strong-willed as the Tudors were, they were generally able to put a present rein upon their passions, when by such means they could make more sure of their ultimate safe indulgence. They reigned in

Execution  
of Empson  
and Dud-  
ley.

Tudor  
character-  
istics.

Causes of success: England, without a successful rising against them, for upwards of a hundred years: but not more by a studied avoidance of what might so provoke the country, than by the most resolute repression of every effort, on the part of what remained of the peerage and great families, to make head against the Throne.

yielding to people, repressing nobles. They gave free indulgence to their tyranny only within the circle of the court, while they unceasingly watched and conciliated the temper of the people. The work they had to do, and which by more scrupulous means was not possible to be done, was one of paramount necessity; the dynasty uninterruptedly endured for only so long as was requisite to its thorough completion; and to each individual sovereign the particular task might seem to have been specially assigned. It was Henry's to spurn, renounce, and utterly cast off, the Pope's authority, without too suddenly revolting the people's usages and habits; to arrive at blessed results, by ways that a better man might have held to be accursed; during the momentous change in progress, to keep in necessary check both the parties it affected; to persecute with an equal hand the Romanist and the Lutheran; to send the Protestant to the stake for resisting Popery, and the Roman Catholic to the scaffold for not admitting *himself* to be Pope; while he meantime plundered the monasteries, rooted out and hunted down the priests, alienated the abbey lands, and glutted his creatures and his own coffers with that enormous spoil. It was Edward's to become the ready and undoubting instrument of Cranmer's design; to accept the

Talk of each sovereign.

Henry's. 1509.

Edward's. 1547.

Reformation as it was so presented to him; in his brief reign, really to establish Protestantism on our English soil; but, with all the inexperience and more than the obstinacy of youth, so harshly, unsparingly, and precipitately to force upon the people Cranmer's compromise of doctrine and observance, as to render possible, even perhaps unavoidable, his elder sister's reign. It was Mary's to undo the effect of such precipitate eagerness of the Reformers, by lighting the fires of Smithfield; and opportunely to arrest the waverers from Protestantism, by exhibiting in their excess the very worst vices, the cruel bigotry, the hateful intolerance, the spiritual slavery, of Rome. It was Elizabeth's finally and for ever to uproot that slavery from amongst us, to champion all over the world a new and nobler faith, and immovably to establish in England the Protestant religion.

Mary's.  
1553.

Eliza-  
beth's.  
1558.

But though the tasks thus appointed to this imperious and self-willed family, had the effect of imparting an exceptional character to their style and course of government, it is not to be inferred that even they dared openly to violate those old fundamental English laws of which it has ever been the nature, in all cases, adopting the fine expression of Fortescue, "to declare in favour of liberty." Henry sent to the scaffold whomever he pleased, from within the precincts of the Court; but when, without the intervention of parliament, he would have taken the money of the people, he had to retreat before the resistance offered, and publicly to disavow the intention of breaking the laws

Tudor  
despotism  
exceptional.

Its checks  
and limits.

Eliza-  
beth's con-  
cessions.

Mary's  
weakness.

Position of  
House of  
Com-  
mons.

Acts of  
parlia-  
ment  
edged  
tools.

Parlia-  
mentary  
resistance  
to Mary.

of the realm. Elizabeth's rule had been not less imperious than her father's, yet one of her latest acts was freely to surrender to the House of Commons her demand for certain monopolies, which had raised a fierce resistance in that house. Mary was able to burn, at her pleasure, the alienators of the abbey lands; but over the lands themselves, invested by forms of law in their new proprietors, she discovered that she was powerless. Unworthy as the position was, indeed, in which the House of Commons consented to place itself in these reigns, what survived of independence and courage still was able to find expression there; and the meanest-spirited of its assemblages had yet gleams of popular daring, which show how little might have served, even then, to put substance into the forms of liberty, and how ready was even a Tudor King, "as he would sometimes strain up his laws to his prerogative," to let down not the less, as Lord Bacon said of the founder of the race, "his prerogative to his parliament." In truth it can never be too often repeated that tyranny can only reign in England through the pretences of freedom. Acts of Parliament are, with us, the weapons of despotic rule; and at times they will recoil with danger to the user, or break in the despot's hand.

Of this the unhappy Mary had painful experience when she saw the very House she had packed with her creatures turn against her in the matter she had most at heart. They went with her in re-establishing over the kingdom the authority of Rome; but when she

would have had them concede to her husband an authority within the realm that might involve danger to the native privileges and laws, those very tools and creatures deserted her. Within Three dissolutions in two years. two years she had to summon and dissolve three Parliaments, and informations were pending against recusant members at the time of her death. Nor will the same kind of incidents fail to be noted in her stronger father's reign. He found it not possible to reduce the lower House to the utterly dependent condition in which a constant reaction of hope and dread (the choice between confiscation and the scaffold, or church property and royal favour), soon placed what remained of the upper House. The difficulty was not essentially very great, indeed, in dealing with the lower, but certain forms had to be observed; and it is curious that in Henry the Eighth's reign, not only (in the case of Ferrers) was one of the most valuable confirmations of Privileges won from Henry VIII. privilege obtained by the Commons, but upwards of thirty members were added to their Thirty members added to Commons. house, upon the principle expressed in the preamble to the act for so extending representation to the principality of Wales, that it is disadvantageous to any place to be unrepresented, and that those who are bound by the laws are entitled to have a voice in their enactment. Thus, whatever uses the House of Commons might lend itself to, the idea of that higher function of representation was at least never lost; and even the Tudors had to remember, in Safeguards of an armed people. common with all princes to whom as yet the luxury of a standing army was unknown, that



Obligation for martial exercise.

Power beyond the Sovereign.

All legislation in name of Commons.

Substance as well as form claimed by them.

the people so represented, being freemen, were trained universally to bear arms, and were under penalties to present themselves, at stated periods, for martial exercise in their counties and shires. Only because he wielded an authority, therefore, not strictly his, and for the use of which he was not directly responsible, could the sovereign in such case ever assume to be all-powerful. There was a power beyond, which the people had now for two centuries uniformly recognised, and which alone could be the instrument, whoever might be the immediate agent, of changes affecting themselves. They saw the lower House continue to grant subsidies, not to be raised by any other means; and they saw it continued to be used in the proposal of statutes, which without its consent could never become binding. It gave their sole validity to the bills of attainder which struck down the guilty, or shed the blood of the innocent; and only by its sanction had one-fifth of the landed property of the nation been transferred suddenly to new proprietors. As the times of the Tudors wore on, too, and left the character of their work, and its results, more visible, the members of that House began to claim for it worthier associations. "I have heard of old Parliament men," said Peter Wentworth from his place there, in the latter half of Elizabeth's reign, "that the banishment of the Pope and Popery, and the restoring of true Religion, had their beginning from this house, and not from the bishops."

Few were the opportunities directly obtained

by the people, however, either through themselves or their representatives, in this great reign. The authority of the two Houses had been reduced, at her accession, to a point so low that not a barrier any longer interposed itself between the sovereign authority and the popular allegiance. But in placing herself freely amongst her subjects, in making their interests hers, in condescending to their amusements and their prejudices, as if they were her children, they were yet made to feel that they must submit themselves to the discipline of children. Desiring rather the fame of a sovereign demagogue than a sovereign prince, the aspiring tendencies found no countenance from her, and the mayor and the alderman had better chances of her favour than the man of literature or genius. But the people had their Spensers and their Shakespeares, in her despite; they had their translation of the Bible, with its lessons of charity and brotherhood; they had as free access to the literature of the ancient writers as to that of the living and surpassing genius which surrounded them; adventure and chivalry moved, in well-known forms and living realities, through the land; and the commonest people might lift caps, as they passed along the streets, to Drake, to Sidney, or to Raleigh. The work was thus far accomplished which Erasmus and his friends at Oxford had begun; and it was only necessary that those rising influences that had marked the accession of the Tudor family should appear in full and active operation on the minds of the English people, to sentence to

Eliza-  
beth's  
reign.

Character  
of the  
Queen:

A so-  
vereign  
dema-  
gogue.

Advan-  
tages  
of the  
People.

Results of  
the Re-  
formation.

Oxford  
lessons  
complete.

Change  
impending.

a gradual but certain downfall the half-political half-patriarchal system of this famous woman, by far the greatest of her race. The sons and daughters of the Arcadia were the parents of the men of Charles and Cromwell.

Rise of  
religious  
discon-  
tent.

The Queen had been twelve years upon the throne when discontent took an ominous and threatening form. An essential feature in the Tudor system had been that the framework of the ancient hierarchy of Rome should be left untouched. At a time when politics were suddenly become subordinated to religion, the idea of unlimited spiritual dominion was too valuable to be surrendered, carrying with it, as it did by a very simple analogy, unlimited temporal dominion also. This dominion had moreover been placed, by the aids of supremacy and uniformity, at the absolute use and disposal of the sovereign; and in thus formally assuming the cast-off robes of the Pope, Elizabeth rivalled her father in the even partiality of her persecutions. Indeed, her antagonism to the Romanist was in some respects less keen and personal than to the Protestant non-conformist. She loved to the latest moment of

The  
newly  
esta-  
blished  
Church.

Impulses  
of Reforma-  
tion  
restrained.

her life the gorgeous ceremonials of religion, as she cherished all that placed in subjection to authority the senses and the faith of men; and while, with this feeling, she adhered to forms and ceremonies which her masculine sense would else have put aside in scorn, and clothed her own bishops with the supreme authority she had struck down from those of Rome, she unhappily overlooked altogether the possibility of danger from such restraints to the impulses

A danger  
over-  
looked.

of the Reformation. But this danger was now at hand.

In the year 1570, the institution of episcopacy in the Protestant church was openly assailed by the Lady Margaret's professor of divinity at Cambridge. There had been an active discussion going on for some years, on matters of minor consideration. Tippets had been violently contested, and sad and serious had been disputes upon the surplice. But now, to the amazement of the imperious Parker, who had declared that he would maintain to the death these essentials of the new religion, all further mention of such matters ceased, and the archbishop was summoned to maintain to the death neither tippet nor surplice, but the whole ecclesiastical hierarchy of England. Cartwright's lectures were as a match to a train, and a formidable party of puritans started up in England. It is not, however, necessary to dwell on the struggle that ensued. It was so far conducted with spirit by individual members of the House of Commons, as to achieve several solid accessions to the privileges of that house, and to leave on lasting record a valuable protest against the Tudor system as one which centuries of English liberty rejected and disclaimed. Indeed, if Elizabeth had been less wise and prudent, if her personal expenditure had been wasteful or her exchequer ill supplied, it might have gone hardly with her. In vain she packed the house with placemen, and flooded the country party with upwards of sixty new members. Still the Stricklands and the Wentworths remained, and still in every session there was

Cartwright's Lectures at Cambridge. 1570.

Puritan party formed.

Its leaders in House of Commons.

Vain attempts to subdue them.

at least placed on record the duty and right of parliament to inquire into every public matter and to remedy every proved abuse. The cry of English liberty was never raised more piercingly, though it remained for later days to send back to it a louder and more terrible echo.

Last act of  
the great-  
est Tudor.

Elizabeth herself, in the closing years of her reign, showed that she had not remained unconscious or unmoved by the vehemence and sharpness of that cry. Greatest of the Tudors as she unquestionably was, it was when her authority might seem to have been most weakened, that she bequeathed to the race which succeeded hers, by her last act of sovereignty, an example which might have saved them the throne, if they could have profited by it. Unhappily they could only imitate her in the qualities which provoked, and not in those which subdued or turned aside, resistance.

Eliza-  
beth's  
anti-  
pathy to  
Puritans.

It is a striking fact in the career of this great Queen, that she could put aside her hatred and contempt even of Puritanism itself, when she saw it had become so transfused with the desires and wants of the people as to represent no longer a religious discontent alone. While she believed it to be confined within that limit, the prison and the rack were the only replies she made to it: because she knew that from all serious attacks to maintain it, the cause she championed then protected her most effectually; and that from the very dungeons into which she might throw the Puritan leaders, they would yet be ready to offer up, as they did, their prayers for the safety of herself and

Puritan  
sympathy  
with  
Eliza-  
beth.

the stability of her government. For to all the world it had become notorious, that the destinies and fate of the Reformation had for the time fallen exclusively into her hands; and that not in England only did she animate every effort connected with the new faith, but that, in her, centred not less the hopes of all who were carrying on the struggle, against overwhelming numbers, in other lands. Of the movement, however, of which she was thus the heroine, she unhappily never recognised the entire meaning and tendency; and instead of disarming Puritanism by concession, she had strengthened and cherished it by persecution.

Champion  
and leader  
of the  
Reforma-  
tion.

But, towards the close of her reign, when, after that subduement of the Roman Catholic power on the continent to which she had devoted so many glorious years, she found leisure to investigate patiently the domestic concerns of her kingdom, the old Puritan remonstrance presented itself to her under a new form, and in ominous conjunction with very wide-spread political dissatisfaction. Everywhere voices had become loud against royal patents of monopolies; and not only was her first minister's coach mobbed in the streets when he went to open her parliament of 1601, but, when Mr. Serjeant Heyle rose in that parliament to express his amazement that a subsidy should be refused to the Queen, seeing that she had no less a right to the lands and goods of the subject than to any revenue of her crown, the House universally "hemmed and "laughed and talked" down the learned

Puritan-  
ism in a  
new form:

Joined  
with  
political  
dissatisfac-  
tion.

A Queen's  
Serjeant  
coughed  
down.

Cecil's  
warning to  
Commons.

Eliza-  
beth's last  
appear-  
ance in  
Parlia-  
ment.

James I.  
1603.

Two  
kingdoms  
united un-  
der the  
Stuarts.

Serjeant. Nor was the aspect of affairs become less grave or strange, when, a little later in that same assembly, Cecil thought it right to warn the lower House of dangers which had particularly declared themselves to his ripe and experienced judgment. "I must needs give you this for a future caution, that whatsoever is subject to public expectation cannot be good, while the parliament matters are ordinary talk in the street. I have heard myself, being in my coach, these words spoken aloud: *God prosper those that further the overthrow of these monopolies!*" It had not then seemed possible to the Secretary's experience, that the Queen herself might think it safer to attract this prayer to her own prosperity than to let any one else reap the benefit of it; but a very few days undeceived him. Elizabeth in person went to the House, withdrew all claim to the monopolies which had excited resistance, redressed other grievances complained of, and quitted Westminster amid the shouts and prayers of the people that God might prosper their Queen. Within two more years she died, bequeathing the Crown to her cousin of Scotland.

To this point, then, the Tudor system had been brought, when Scotland and England became united under one sovereignty, and the noble inheritance fell to a race, who, comprehending not one of the conditions by which alone it was possible to be retained, profligately misused until they completely lost it. The calamity was in no respect foreseen by the statesman, Cecil, to whose exertion it was mainly

due that James was seated on the throne ; yet in regard to it he cannot be held blameless. Right he undoubtedly was, in so far as the course he took satisfied a national desire, and brought under one crown two kingdoms that could not separately exist with advantage to either ; but it remains a reproach to his name that he let slip the occasion of obtaining for the people some settled guarantees which could not then have been refused, and which might have saved half a century of bloodshed. None such were proposed to James. He was allowed to seize a prerogative, which for upwards of fifty years had been strained to a higher pitch than at any previous period of the English history ; and his clumsy grasp closed on it without a sign of remonstrance from the leading statesmen of England. “Do I mak the judges? Do I mak the bishops?” he exclaimed, as the powers of his new dominion dawned on his delighted sense : “then, God’s wauns ! I mak what likes me, law and gospel !” It was even so. At a time when it was manifest that the prerogative had outgrown even the power of the greatest of the Tudors to retain it, when the conflict long provoked was about to begin, when the balance of popular right had to be redressed or the old constitution to be utterly surrendered, this license to make gospel and law was given, with other far more questionable powers, to a man whose personal appearance and qualities were as suggestive of contempt, as his public acts were provocative of rebellion. It is necessary to dwell upon this part of the subject ; for it is

Opportunity lost by Cecil.

No conditions made at Accession.

No check on overstrained prerogative.

Provocation to Rebellion.



only just to his less fortunate son and successor to say, that in it lies the source of not a little Penalties to be paid. for which the penalty was paid by him. What is called the Great Rebellion can have no comment so pregnant as that which is suggested by the character and previous career of the first of the Stuart kings. Upon this, therefore, and upon the court with which he surrounded himself in England, though they do not otherwise fall strictly within my purpose, I shall offer a few remarks before closing this Essay.

### §. III. FIRST STUART KING.

Character of James. That James the First had a decidedly more than fair share of learning is not to be denied ; but it was of no use to anyone, and least of all to himself. George Buchanan was reproached for having made him a pedant, and replied that it was the best he could make of him. Learning the great teacher could communicate, but His learning. neither objects nor methods for its use, nor even a knowledge of its value. Probably no such foolish man, in ways of speech and life, as James the First, was ever in fairness entitled, before or since, to be called a really learned one. Nevertheless the greater marvel is, that not only, being thus foolish in language and conduct, was he undoubtedly a scholar, but that he had also an amount of native shrewdness which scholarship had neither taught him, nor tamed in him. His cunning and shrewdness. He possessed, to a quite curious extent, a quick natural cunning, a native mother wit, and the art of circumventing an adversary ; and it was to this Henri Quatre alluded when he called

him the wisest fool in Christendom. That what he had acquired ever helped him to a useful thought, or a suggestion of practical worth, it is impossible to discover. Mystically to define the prerogative as a thing set far above the law; to exhibit king-craft as his own particular gift, directly vouchsafed from heaven; to denounce Presbytery as the offspring of the devil; to blow with furious vehemence what he called counterblasts to tobacco; to deal damnation to the unbelievers in witchcraft, and to pour out the wrath of the Apocalypse upon Popery; were its highest exploits. He had been busy torturing and burning old women for the imaginary crime of witchcraft, while Elizabeth was preparing a scaffold for his mother; and it was to make the rest of the world as besotted with superstition as himself, that he wrote his *Demonologie.* Before he was twenty, with an astonishing display of erudite authorities, he had conclusively shown St. Peter's descendant to be Anti-Christ; but his real objection to the Pope was his holiness's inconvenient rivalry to the royal supremacy, and James, who at other times seems to have contemplated even the setting up of a Scotch Cardinal, was not more eager to set fire to a witch than to burn seditious priests who might presume against his own Anti-Christ to rebel. To him it was, in all conditions, the climax of sin to resist any settled authority. He would have been right if settled authority had found in himself, as he appears to have verily believed it had, its highest exponent and noblest representative that the earth could

Wifest fool in Christendom.

What he did with learning.

Uses of his knowledge.

Too confident an assumption.

Early  
career in  
Scotland.

afford. But it was far from being so; and his conduct, with all its gross inconsistencies, sinks to the mere selfish level. To seditious priests he owed his Scotch throne, there could be no doubt; but as little had he the courage to take open part against them, as the honesty to refrain from intrigues with his mother's turbulent faction. The only allegiance he was always true to, was that which he gloried in avowing he implicitly owed to himself.

His ex-  
cuses.

It may nevertheless not be denied that, at least in that outset of his life, he had some excuse for such self-saving instincts, in the straits through which he then passed. Alternately swayed between the two contending forces; his person now seized by the Nobles, and the Presbytery now governing by his name; he fell into the habit of making unscrupulous use of either, as occasion happened to serve.

A school  
for king-  
craft.

And hence the skill in outwitting people, the sly ways of temporising, the studied deceit and cunning, which he formed gradually into a system under the misused name of kingcraft, and in which his whole idea of government consisted. Of course neither party could trust him. The condition of king *de facto* he owed

His posi-  
tion be-  
tween  
Puritan  
and Papist.

to the presbyterians who placed him on the throne, but it was only from the papists he could obtain concession of the title of king *de jure* which he coveted hardly less; and if he detested anything more than the Jesuit who preached the pope's right to release subjects from their allegiance, it was the Presbyter who claimed a power to control the actions of his prince. And so his character was formed:

without an opinion to rest upon, or a principle to guide it; devoid utterly of straightforwardness or self-reliance; incapable, in any manly sense, of either friendship or enmity; and, above and in spite of all, with a sort of intellectual activity, real in itself and often of a consummate shrewdness, which threw only into greater relief and more mischievous prominence those grave defects of character. He never formed an attachment which was perfectly creditable to him, or provoked a contest from which he did not run away. In this respect he was always the same, and the early Scotch days of Arran but prefigured the later English ones of Somers and Buckingham.

Formation of his character.

His attachments.

Before he inherited the English throne, James had three sons and two daughters born to him. Of these, two sons and a daughter died before they reached maturity; but to the surviving daughter and son, a memorable part in English history was assigned. At Falkland, in the autumn of 1596, was born Elizabeth, afterwards Queen of Bohemia: whose name became identified on the continent with the Protestant cause, and through the youngest of whose ten children, the Electress Sophia of Hanover, the House of Brunswick finally displaced the House of Stuart. At Dumferline, in November 1600, was born Charles, his second son, who succeeded him as Charles the First: and shortly before whose birth, Sir Henry Neville had written to Sir Ralph Winwood that out of Scotland rumours were abounding of no good agreement between the King of Scots and his wife; and that "the discovery

Family of James.

Princess Elizabeth born, 1596.

Prince Charles born, 1600.

The Gowrie conspiracy.

“ of some affection between her and the Earl  
 “ of Gowrie’s brother, who was killed with  
 “ him, was believed to be the truest cause and  
 “ motive of all that tragedy.” The tragedy

referred to was the murder, in their own castle, of the grandson of the Ruthven who first struck at David Rizzio; and the condition of James’s mother, when she witnessed the assassination of her favourite, was the same as that of his wife, when she heard the fate of Alexander Gowrie. Not even in the blood-stained Scottish annals is an incident to be found more dark or mysterious than this; and, on the day when the bodies of the two brothers were sentenced to ignominious exposure, the second son of James and Anne was born. His baptism

Prince Charles’s boyhood.

was sudden, for he was hardly expected to outlive the day; and it was through an infancy and boyhood of almost hopeless feebleness, he struggled on to his ill-fated manhood. There is a complexional weakness imparted at birth, which nothing afterwards will cure; and this, disqualifying alike for resolute resistance or for manly submission, was unhappily a part of Charles the First’s most sad inheritance. He

Physical defects.

was nearly six years old before he could stand or speak, his limbs being weak and distorted, and his mouth mal-formed; nor did he ever walk quite without difficulty, or speak without a stammer. Who shall say how far these physical defects carried also with them the moral weaknesses, the vacillation of purpose and obstinacy of irresolution, the insincerity and bad faith, which so largely helped to bring him to the scaffold?

James's last year as the King of Scots was probably the quietest he had passed in that troubled sovereignty. As his succession to the English throne drew nearer, his authority in his hereditary kingdom grew more strong. Many of his enemies had perished, others had become impoverished; and all began to think it more profitable game to join their king in a foray on the incalculable wealth of England, than to continue a struggle with him for the doubtful prizes of his barren and intractable Scotland. But his disputes with his subjects survived his dangers from them. What tamed the laity, had made more furious the clergy; who already, in no distant vision, saw their sovereign seated on the English throne surrounded by the pomps of prelacy, and armed newly with engines of oppression against themselves. Never was Kirk so rebellious, in flaming up, synod after synod, against the sovereign's unprinceliness and ungodliness; and never was King so abusive, in protesting before the great God that highland caterans and border thieves were not such liars and perjurers as these "puritan pests in the church." He was in the thickest fury of the contention, when the sycophants who had bribed Elizabeth's waiting-woman for earliest tidings of her last breath, hurried headlong into Scotland to salute him as English King. Quietly, then, some ill-temper of his wife's by shrewdly bidding her think of nothing but thanking God for the peaceable possession they had got, James set out upon his journey southward on the 5th of April, 1603.

Prospect  
of English  
throne.

Joy of  
laity in  
Scotland.

Indigna-  
tion of  
clergy.

Eliza-  
beth's  
death an-  
nounced.

Journey  
southward

begun :  
April,  
1603.

Novelty of  
a King  
after half  
a century  
of a  
Queen.

Personal  
character-  
istics of  
the new  
monarch.

Face and  
figure.

Slobber-  
ing speech.

It was indeed something to be thankful for, that peaceable possession of the land to which his very progress was a sort of popular triumph. Doubly wonderful had Kings grown to us, says old Stowe, so long had we, fifty years or more, been under Queens. Racing against each other as for life or death, rushed statesmen and courtiers, lawyers, doctors, and clergy, civic corporations, mayoralties, officialities of every description and kind, all classes and conditions of public men,—eager to be shone upon by the new-risen sun. And surely never from stranger luminary darted beams of hope or promise upon expectant courtiers.

The son of a most unhappy mother, by a miserable marriage, and even before birth struck by the terror of the murder of Rizzio, James was born a coward, and through life could never bear even the sight of a drawn sword. He was of middle stature, and had a tendency to corpulence, which the fashion of his dress greatly exaggerated. He had a red complexion and sandy hair, and a skin softer, it was said, than taffeta larsenet, because he never thoroughly washed himself, but was always rubbed slightly with the wet end of a napkin. His languine face had only the scantiest growth of beard; and his large eye rolled about unceasingly with such suspicious vigilance, that it put fairly out of countenance all but the most experienced courtiers. He had a big head, but a mouth too small for his tongue, so that he not only slobbered his words when he talked, but drank as if he were eating his drink, which leaked out on either side again

into the cup. His clothes formed a woollen rampart around him, his breeches being in large plaits and full stuffed, and his doublets quilted for stiletto proof; and so weak and ricketty were his legs that his steps became circles, and he was well-nigh helpless when he would walk alone. "He likes," says the astonished chaplain of the Venetian embassy, "in walking, to be supported under the arms by his chief favourites." It was in truth a necessity, as the favourites were. His body had as little in itself to sustain it, as his mind. Both shuffled on by circular movements, and both had need of supports from without.

Shuffling  
gait.Absence  
of self-  
support.

But, if the time has now come in England for any serious conflict between the Subject and the Crown, where any longer is that fence or barrier to the monarchy which the personal qualities and bearing of English sovereigns have heretofore thrown up; and which in past years, even when its privileges were most onerous, has been no inconsiderable protection to it? This clumsy, uncouth, shambling figure, with its goggle eyes, shuffling legs, and slobbering tongue, confounded even an eager congregation of courtiers; and by the time it reached London, a witness not prejudiced takes upon himself to avouch, "the admiration of the intelligent world was turned into contempt."

A fence to  
monarchy  
thrown  
down.Courtiers  
confound-  
ed.

Up to the close of the journey, nevertheless, the contempt had been decently disguised. At Newcastle and York, magnificent civic entertainments awaited his Majesty. With splendour not less profuse, Sir Robert Cary received

Royal  
progress  
to Lon-  
don.



Entertain- him at Widdrington, the Bishop of Durham  
ments. at Durham, Sir Edward Stanhope at Grimston,  
Lord Shrewsbury at Workfop, Lord Cumber-  
land at Belvoir Castle, Sir John Harrington at  
Exton, the Lord Burghley at Burghley, and  
Sir Thomas Sadler at Standen. With princely  
At Hinch- hospitality, Sir Oliver Cromwell regaled him  
inbrook: at Hinchinbrook; and, there, the sturdy little  
nephew and namefakc of Sir Oliver received  
probably his first impression of a king, and of  
the something less than divinity that hedged  
him round. At Broxbourne, too, where Sir  
Oliver Cromwell (æt. 4) first sees a  
King. Henry Cox had provided noble entertainment,  
greeting as memorable was in store for him;  
for here the greatest man then living in this  
universe, save only one, waited to offer him  
homage. "Methinks," said Francis Bacon  
after the interview, "his Majesty rather asks  
"counsel of the time past than of the time  
"to come;" and, closing up against the time  
to come his own prophetic vision, that wonder-  
ful genius took his employment in the service  
of the time past. Nearer and nearer London,  
meanwhile, the throng swelled more and more;  
and on came the King, hunting daily as he  
came, incessantly feasting and drinking, creating  
knights by the score, and everywhere receiving  
worfhip as the fountain of honour. Visions  
of levelling clergy and factious nobles, which  
had haunted him his whole life long, now  
passed for ever from him. He turned to his  
Scotch followers, and told them they had at  
last arrived in the land of promise.

Arrival in land of promise.

Interview with Cecil: But he had yet to see the most important  
man in this promised land. He was waiting

the royal advent at his seat of Theobalds, within a few miles of London, on the 3rd of May: and strange must have been the first meeting, at the gate of that splendid mansion, between the broad, shambling, shuffling, grotesque monarch, and the small, keen, crook-backed, capable minister; between the son of Mary Queen of Scots, and the son of her chief executioner. We are not left to doubt the nature of the impression made upon Cecil. During the years he afterwards passed in James's service, he withdrew as far as possible from the control he might have claimed to exercise, and the responsibility he must have assumed, over the home administration; and did his best, to the extent of his means, by a sagacious policy abroad, to keep England still respected and feared in her place amid foreign nations. No one served the King so ably, or, there is reason to believe, despised him so much. In her latter years, Elizabeth had exacted of her ministers that they should address her kneeling, and some one congratulated Cecil that those degrading conditions were passed away. "Would to God," he replied, "I yet spake upon my knees!"

At Theobalds:  
3rd May.

Unfavourable impression on the minister.

Foreign policy.

On the death of Cecil, in the tenth year of the reign, James found himself first free to indulge, unchecked, his lusts of favouritism. Though already the Ramsays, Humes, and Marrs, had contrived to fatten themselves upon him, it is not until Cecil has passed away that we get full sight of the Somersets and Buckinghams. Robert Car was a poor but handsome young Scot, younger son of one of

Death of Cecil:  
1612.

Rise of Somerset.

the small lairds of Teviotdale, straight-limbed, well-favoured, strong-shouldered, and smooth-faced, when the King's eye fell upon him. Within a few weeks he was created Knight, Lord-treasurer, Viscount, Knight of the Garter, and Earl; and everywhere about the Court, according to Lord Thomas Howard, the King was to be seen leaning upon him, pinching his cheek, smoothing his ruffled garment, and, while directing his discourse to others, looking still at him. He attended him at his rooms in illness, taught him Latin, begged the best to enrich him; and, when the wife of Raleigh knelt at his feet to implore him not to make destitute the hero he had imprisoned, spurned her from him with the words, "I mun ha' the land! I mun ha' it for "Car." On the eve of Car's arraignment as a murderer, the king is described, by one who was present at their parting interview, to have hung lolling about his neck, slobbering his cheeks with kisses; and their strange connection was not even unloosed by Car's conviction of the crime. The life of Overbury's murderer was spared; he had subsequent glimpses of favour; and he received no less a pension than 4000*l.* a year when his offices were transferred to a successor certainly better entitled to favour than himself, and a man of greater ability, but whose rise had been hardly more honourable. Never any man, exclaims Clarendon of George Villiers, in any age, or in any country or nation, rose in so short a time to so much greatness of honour, fame, or fortune, upon no other ad-

King's  
manner to  
favourites.

Somerset's  
fall.

Rise of  
Villiers.

vantage or recommendation than of the beauty and gracefulness of his person. Nor was it in a less degree the amazement of the grave signors and ambassadors of Venice, when received at a court masque, to see the prime minister Buckingham, for the delectation of the King, cut a score of lofty and very minute capers, and the King, for the reward of his prime minister, pat him on both cheeks with an extraordinary affection.

A prime minister at a masque.

Such entertainment had of course little to recommend it to Italian visitors, who seem rightly to have judged, of all the ordinary actors in it, that not only were they odious and profligate, but in some sense or other despicable. The likings of James's court were indeed those of Comus and his crew; and even the genius it engaged in its service, it degraded to that level. Nakedly to indulge every gross propensity, became the daily pursuit and highest qualification of all admitted to its precincts. The circle that surrounded Elizabeth had been no very exact model of decency; but there was strength of understanding in the Queen, and it constrained the vices of those around her, as it veiled her own. When James became chief of the revels, this check passed wholly away. Everything was in wasteful excess; and in the foul corruption which alone could satisfy it, the men were not more eagerly engaged than the women, who drank also freely as they, and played as deep. Lady Glenham took a bribe of a hundred pounds for some dishonourable work to be done by her father; and even the King's

Scenes and actors in the Court.

Unrestrained indulgences.

Bribes taken by women.

Sports of  
the cock-  
pit.

Profligate  
expendi-  
ture.

Debts of  
the King.

Shameful  
necessities.

cousin, poor Arabella Stuart, intrigued to get one of her uncles a peerage, for a certain sum to be paid to herself. The dead Queen had gradually disused, and at last strictly prohibited, the brutal sports of the cockpit; but her successor revived, and at least twice every week took part in them. Daily, from morning until evening in the chase, the bear-garden, or the cockpit, and from evening until night in gross sensual pleasures, the Court passed its life; and to what extent such life took precedence of every other, may be partly measured by the fact that the fee of the Master of the Cocks exceeded the united salaries of two Secretaries of State. The second year of the reign had not passed, when Cecil had to write to Lord Shrewsbury that the expense of the royal household, which till then had not exceeded thirty thousand a year, had risen to a hundred thousand; "and now think," added the minister of Elizabeth, "what the Country feels; and so much for that." In the seventh year of the reign, the surplus of outlay above revenue continued, and, according to the then value of money, James's debts were half a million; or at our present value, something more than a million and a half. The shame of his necessities became flagrant. His treasurer, Buckhurst, was seized in the street for wages due to his servants; the very purveyors stopped the supply to his table; and some years afterwards, when the embassy from Venice came to London, such wants of the royal household were still common talk. They went on increasing further. The hungry and

numerous family of the favourite had to be provided for as well as himself, and of all the favourites none had been so profuse as Buckingham. As yet among rare luxuries was the coach, unheard of till the preceding reign, and then with two horses only; but James's prime minister, to the general amazement of men, drove six, and even eight horses. Hard would it be to say which was most degrading, the extremity of the waste, or the desperation of the means of meeting it. Benevolences were tried, and exorbitant fines were imposed by the Star Chamber on those who resisted them or who counselled resistance. Impositions by prerogative were laid in every form, and were backed by suborned and scandalous decisions in the courts. Patents were granted on all sides to greedy projectors, creating monopolies the most intolerable, and eating the life out of trade. Fees had been got from knighthood, until nobody more would incur the cost; men of gentle birth had been exhausted, till, as the saying went, not an untitled Yorkshire squire was left to uphold the race; and Lord Bacon, at even *his* wits' end after Lord Montgomery's barber and the husband of the Queen's laundress had been knighted, suggested knighthood with some new difference and precedence. Hereupon baronetcies were thought of; and, being offered for a thousand pounds each to any who consented to be purchasers, for a time they made the King richer by some hundred thousand pounds. This new branch of industry turning out so well, the peerage had been next put up to sale, and not

Buckingham's extravagance.

Expedients for money.

Benevolences and fines.

Patents and monopolies.

Knighthood exhausted.

Baronetcies invented.

Peerages put up to sale.

Tariff of titles. less openly. For six thousand pounds a man became a baron; for twenty thousand an earl; and, if Mr. John Hampden, of Great Hampden in Bucks, had not preferred a less perishable title, his mother would have given ten thousand pounds to make a viscount of him.

James's theological disputes.

Yet the scenes of extravagance and riot which so marked the Court of the first of our Stuart kings, may be characterized as even decent and respectable, by the side of those more detestable exhibitions in which its chief actor claimed to be regarded as furnished forth with sparkles of divinity, and the lieutenant and vicegerent of God. James had written a treatise to prove that inasmuch as Monarchy was the true pattern of the Godhead, it could in no respect be bound to the law; for as it was atheism and blasphemy to dispute what God could do, so it was presumption and high contempt to dispute what a King could do, or say that a King could not do this or that: and an unimpeachable witness, who was present at the Hampton Court Conference, has shown with what peculiar emphasis, upon occasion, he could recommend these principles by his graces of speech. At that Conference (a memorable one, for in it the thing called English Puritanism first openly made good its claims to obtain a hearing from majesty itself) he affected to sit in judgment as moderator between the High Church Party and the Puritans; and it was after having heard the high churchmen at great length, and with much graciousness, that he interposed with scurrilous abuse as soon as the

Hampton Court Conference.

King's conduct to Puritans.

Puritans began to speak. He "bid them  
 "awaie with their snivelling; moreover, he  
 "wished those who would take away the sur-  
 "plice might want linen for their own breech.  
 "The bishops," it is added naively, "seemed  
 "much pleased, and said his majestie spake by  
 "the power of inspiration." One of the  
 bishops present, indeed, Bancroft of London,  
 flung himself on his knees, and protested his  
 heart melted for joy "that Almighty God had,  
 "in his singular mercy, given them such a  
 "King as had not been seen since Christ's  
 "time." Chancellor Ellesmere cried out that  
 for his part he had now seen what he had never  
 hoped to see, King and Priest united fully in  
one person; and Archbishop Whitgift asseve-  
 rated that his Majesty spoke by the Spirit of  
 God. "I witt not what they mean," adds the  
 reporter of the Conference, "but the spirit  
was rather foul-mouthed." It was cruel  
 also; for the character in which this deified  
 Scotch pedant next presented himself was one  
 that might well have been suggested and  
 justified by such obsequious blasphemy. He  
 sent two Unitarian ministers, Bartholomew  
 Legat and Edward Wrightman, to perish by  
 the stake at Smithfield; he sent to the scaf-  
 fold, after torturing, the white-haired old  
 puritan Peachem; and he persecuted to the  
 death the Dutch reformer Vorstius, against  
 whose tolerant and pious teaching he had  
 penned the memorable declaration which was  
 inscribed to "our Lord and Saviour Jesus  
 "Christ by his most humble and most obliged  
 "servant James." In the presence of such

Delight  
of the  
Bishops.

Chan-  
cellor  
Ellef-  
mere's  
ideal.

James's  
religious  
persecu-  
tions.



Retribution in store.

acts and utterances, and of the utter impossibility of discovering for them any reasonable mitigation or excuse, it is not harsh to James's memory to say that the blood of his unhappy son only half expiated these and similar sins. The records of civilised life, and of rational men, offer no other instance of such pretensions. We have to turn for a parallel to the pestilential swamps of Africa, where one of those prodigious princes whom we bribe with rum to assist us in suppressing the slave-trade, announced lately to an English officer, "God made me after His image: I am all the same as God: and He appointed me a King." This was James's creed precisely; and after delivering it to his subjects in words exactly similar, he might be publicly seen of them, as Harrington describes him at a masque given by Cecil, "wallowing in beastly delights."

A parallel to James's creed.

Alleged darker traits :

It will nevertheless be barely just to add, even of this revolting picture, that it has been darkened by touches of a more infamous complexion of which there is no proof. In the Overbury proceedings much must ever remain inexplicable; but agitation under threat of an accusation unnamed, consists unfortunately with innocence quite as much as with guilt. A weak man is even likelier than a guilty one to be disturbed as James was, when Somers's dark threats were brought to him by the Lieutenant of the Tower; and there exists a letter of his at Lambeth, replying to the Earl's remonstrance against inquiry into the murder, which, though earlier than the disclosures of the Lieutenant, renders incredible

Not established.

Lambeth MSS. 930, f. 91.

the inference they might else have led to. In plain words I believe James to have had as little to do with Overbury's death as with Prince Henry's, and that suspicions even more detestable rest upon no fair evidence. Enough otherwise has here been said to explain the contempt and dislike, which, several years before his death, had fastened upon his name, and were the inheritance of his race.

Let an intelligent foreigner describe for us the opinion of their ruler, which had become generally prevalent among the English people. "Consider for pity's sake," says M. de Beaumont, in one of his despatches, "what must be the state and condition of a prince, whom the preachers publicly from the pulpit assail; whom the comedians of the metropolis covertly bring upon the stage; whose wife attends those representations in order to enjoy the laugh against her husband; whom the Parliament braves and despises; and who is universally hated by the whole people." The Frenchman's great master, Henri Quatre, shortly before he fell by the hand of an assassin, had spoken of the effects of such contempt when directed against the person of a Sovereign, as marvellous and horrible: and in this case also they were destined to prove marvellous and horrible, in the second generation.

Innocent as to Overbury and Prince Henry.

Opinions of the people.

Contempt of the person of the sovereign.

Legacy to Charles I.

THE DEBATES ON  
THE GRAND REMONSTRANCE.

NOVEMBER AND DECEMBER, 1641.

§ I. PREFATORY.

Most exciting incident before the war.

IF the question were put to any thoroughly informed student of our Great Civil War, into what single incident of the period before the actual outbreak would appear to have been concentrated the largest amount of party passion, he could hardly fail at once to single out the Grand Remonstrance. And if he were then asked to name, out of all the party encounters of the time, that of which the subject matter and antecedents have been most unaccountably flurred over by historians, he must perforce give the same answer. It follows that the writers of history have in this case thought of small importance what the men whose deeds they record accounted to be of the greatest, and it will be worth inquiring how far the later verdict is just.

Most neglected by historians.

Happily, the means exist of forming a judgment as to the particular subject, on grounds not altogether uncertain or unsafe. The Grand Remonstrance itself remains.

Under masses of dull and lifeless matter heaped up in Rushworth's ponderous folios, it has lain undisturbed for more than two centuries; but it lives still, even there, for those who care to study its contents, and they who so long have turned away from it unstudied, may at least plead the excuse of the dreary and deterring companionship around it. The truth, however, is, that to the art and disingenuousness of Clarendon it is really due, in this instance as in so many others, that those who have written on the conflict of parties before the civil war broke out, have been led off to a false issue. He was too near the time of the Remonstrance when he wrote, and he had played too eager a part in the attempt to obstruct and prevent its publication to the people, not to give it prominence in his History; but he found it easier to falsify and misrepresent the debates concerning it, of which there was no published record, than to pass altogether in silence the statements made in it, diffused as they had been, some score of years earlier, over the length and breadth of the land. Indeed it also better served the purpose he had, so to garble and misquote these; and from the fragment of a summary he gave, filling some six pages of the octavo edition of his book, Hume and the historians of the last century derived manifestly the whole of what they knew of the Grand Remonstrance. But even the more careful and less prejudiced historians of our own century have not shown that they knew much more.

Remonstrance printed in Rushworth.

Misleading of Clarendon.

Falsification of Debates.

Mistatements followed by all.

Upon the debate in the House before it was

put to the vote, as referred to by Hyde, all writers have dwelt; and of course every one has copied and reproduced those graphic touches of Philip Warwick, the young courtier and follower of Hyde, afterwards the faithful servant of the King, in which he gives his version of what the Remonstrance was, how it originated, and what an exciting debate it led to. How some leading men in the House, as he says, jealous of the proposed entertainment to be given by the City to the King on his return from Scotland, had got up an entertainment of their own in the shape of a libel (the Remonstrance, that is), than which fouler or blacker could not be imagined, against his person and government; and how it passed so tumultuously, two or three nights before the king came to town, that at three o'clock in that November morning when they voted it, he thought they would all have sat in the Valley of the Shadow of Death: for they would, like Joab's and Abner's young men, all have caught at each other's locks, and sheathed their swords in each other's bowels, had not the sagacity and great calmness of Mr. Hampden, by a short speech, prevented it, and led them to defer their angry debate until the next morning.\* Doubtless a scene to be remembered, and which naturally has attracted all attentions since; but that out of the many who have so adopted it, and, from the mere reading it, felt some share in the excitement it portrays, not one should have been moved to make closer

Sir Philip  
Warwick's  
account.

Extraor-  
dinary  
scene.

Hamp-  
den's in-  
fluence.

\* *Memoires of the Reign of King Charles the First*, by Sir Philip Warwick, Knight, (Ed. 1702) 201-2.

inquiry into what the so-called "libel" really was that so had roused and maddened the partisans of the King, may fairly be matter of surprise. Hallam is content to give some eight or nine lines to it, in which its contents are not fairly represented. Lingard disposes of it in something less than a dozen lines. Macaulay has only occasion incidentally to introduce it, and a simple mention of it is all that falls within the plan of Carlyle. Godwin passes over it in silence; and such few lines as *Difraeli* (in his *Commentaries*) vouchsafes to it, are an entire mis-statement of its circumstances and falsification of its contents. It is not necessary to advert specifically to other histories and writings connected with the period; but the assertion may be confidently made, that in all the number there is not one, whatever its indications of research and originality in other directions may be, which presents reasonable evidence of any better or more intimate knowledge of the Grand Remonstrance than was derivable from the garbled page of Clarendon. The purpose of this work is to remove that reproach from the study of this period of history; not merely by endeavouring to present in some detail, and with explanatory illustration from manuscript and contemporary papers, an abstract of the contents of the Remonstrance, but by reproducing, from records as yet untouched, such accurate and detailed descriptions of the debates that attended its passage through the House, as may perhaps also reproduce, and reanimate with their old truth and vividness, the actual circum-

Various references to Great Remonstrance.

Clarendon generally followed.

Purpose of the present work.

Written from MS. records.

stances of the time. Only so may the eagerness and passion displayed on both sides become again intelligible to the modern reader.

§ II. WHAT THE GRAND REMONSTRANCE WAS.

Cause of  
the Parlia-  
ment  
against the  
King.

Most com-  
plete justi-  
fication of  
Great  
Rebellion

Religion  
and Poli-  
tics in  
union.

Hume's  
false dis-  
tinctions :

THIS most memorable State Paper, commonly so garbled and almost invariably so misrepresented as I have had occasion to remark, remains nevertheless a fact living and accessible to us; a solid piece of actual history, retaining the form which its authors gave to it, and breathing still some part of the life which animated them. It embodies the cause of the Parliament against the Ministers of the King. It is the most authentic statement ever put forth of the wrongs endured by all classes of the English people, during the first fifteen years of the reign of Charles the First; and, for that reason, the most complete justification upon record of the Great Rebellion. It possesses, for the student of that event, the special interest which arises from the fact, that it demonstrates more clearly than any other paper of the time, by its close and powerful reasoning, how inseparable Religion and Politics had become, and how each was to be stabbed only through the side of the other. If we would satisfy ourselves that wherever any writer such as Hume has sought to put a distinction between the modes of regarding these subjects pursued by the statesmen of this Parliament, and that where he has contrasted their profound capacity, undaunted courage, and largeness of view in Civil Affairs, with their supposed narrowness

and bigotry in Religion, he has simply shown how imperfect and narrow had been his own study and preparation for the task of doing justice to such men, we have but to turn to the Grand Remonstrance. For the present I can only dwell upon it briefly.

It describes, then, the condition of the three kingdoms at the time when the Long Parliament met, and the measures taken thereon to redress still remediable wrongs, and deal out justice on their authors. Enumerating the statutes passed at the same time for the good of the subject, and his safety in future years, it points out what yet waited to be done to complete that necessary work, and the grave obstructions that had arisen, in each of the three kingdoms, to intercept its completion. It warns the people of dangerous and desperate intrigues to recover ascendancy for the court faction; hints not obscurely at serious defections in progress, even from the popular phalanx; accuses the bishops of a design to Romanize the English Church; denounces the effects of ill counsels in Scotland and Ireland; and calls upon the King to dismiss evil counsellors. It is, in brief, an appeal to the country; consisting, on the one hand, of a dignified assertion of the power of the House of Commons in re-establishing the public liberties, and, on the other, of an urgent representation of its powerlessness either to protect the future or save the past, without immediate present support against papists and their favourers in the House of Lords, and their unscrupulous partizans near the throne. There

refuted  
by the  
Remonstrance.

Character  
of its contents.

Warnings  
against  
Court.

Appeal  
to the  
country.



No disrespect to King or Church.

States what the war put in issue.

Occupies 15 folio pages in Rushworth.

Difficulty of reproducing it.

is in it, nevertheless, not a word of disrespect to the person or the just privileges of royalty ; and nothing that the fair supporters of a sound Church Establishment might not frankly have approved and accepted. Of all the State Papers of the period, it is in these points much the most remarkable ; nor, without very carefully reading it, is it easy to understand rightly, or with any exactness, either the issue challenged by the King when he unfurled his standard, or the objects and desires of the men who led the House of Commons up to the actual breaking out of the war.

Essential as the study of it is, however, to any true comprehension of this eventful time, the difficulty of reproducing it in modern history must doubtless be admitted. It is not merely that it occupies fifteen of Rushworth's closely printed folio pages, but that, in special portions of its argument, it passes with warmth and rapidity through an extraordinary variety of subjects, of which the connection has ceased to be always immediately apparent. Matters are touched too lightly for easy comprehension now, which but to name, then, was to strike a chord that every breast responded to. Some subjects also have a large place, to which only a near acquaintance with party names and themes can assign their just importance, either as affecting each other, or making stronger the ultimate and wider appeal which by their means was designed. The very heat and urgency of tone, the quick impatience of allusion, the minute subdivision of details, the passionate iteration of topics, everything that made its

narrative so intense and powerful once, and gives to it in a certain sense its vividness and reality still, constitutes at the same time the difficulty of presenting it in such an abstract, careful and connected, not without detail and yet compressed, as would admit of reproduction here. It will be well worth while, nevertheless, to make the trial; which, however short it may fall of success in the particular matter, may have some historical value independently. For, by the use of those manuscript records to which I have referred, as yet unemployed by any writer or historian, it will at least be possible to illustrate the abstract to be given by an account of the Debates respecting it in the House of Commons, and these with relation as well to itself as to its antecedents and consequences, far more interesting, because more minute and faithful, than any heretofore given to the world. And in this will be the undoubted additional advantage, that thereby will be supplied a not inefficient test for Clarendon's accuracy and honesty of statement in the most critical part of his narrative of these affairs.

Its various and minute detail.

Purposed illustration by MS. records.

Test for Clarendon's honesty.

§ III. SIR SIMONDS D'EWES AND HIS MANUSCRIPT JOURNAL OF THE LONG PARLIAMENT.

ONE preliminary to the task I have undertaken seems to be required of me. To establish for myself the claim to authenticity of statement which it is proposed to dispute in others, it will be necessary to describe the

Authority for new facts in this work.

authority from which the most part of the facts given in this paper are derived, and now first contributed to history. They are the result of much tedious and painful research into the blotted manuscripts of Sir Simonds D'Ewes, preserved in five bound volumes in the British Museum,\* and entitled, "A Journal of the Parliament begun November 3d, Tuesday, Anno Domini 1640." To the existence of such a journal attention has been lately drawn more than once by allusions in Mr. Carlyle's writings in connection with Cromwell;† and from a manuscript abstract made for him when he contemplated writing a History of the Puritans (a project which it is a matter of great regret that he abandoned), a very interesting notice of D'Ewes, with some account of his Journal, was published several years ago in the *Edinburgh Review*.‡ Mr. Carlyle kindly placed this

Journal by  
D'Ewes  
in Har-  
leian MSS.

Writers  
acquaint-  
ed with it.

Notes by  
D'Ewes  
character-  
ised.

Edinb.  
Review,  
July,  
1846.

\* Harleian MSS. Nos. 162, 163, 164, 165, 166.

† "We call these Notes the most interesting of all manuscripts. To an English soul who would understand what was really memorable and godlike in the History of his country, distinguishing the same from what was at bottom unmemorable and devil-like; who would bear in everlasting remembrance the doings of our noble heroic men, and sink into everlasting oblivion the doings of our low ignoble quacks and sham-heroes,—what other record can be so precious?"—Carlyle's *Miscellanies*, iv. 338-9.

‡ For July, 1846. I do not betray any confidence in stating that this paper was by that very learned and agreeable writer, Mr. John Bruce, whose description of D'Ewes's original manuscript may here be subjoined, in confirmation of what is said in the text. "For some part of the time, the Notes have been copied and written out in a narrative form, in a respectable hand; in other places, we have nothing but the rough jottings-down of D'Ewes's own pen. At first, when we begin to read them, all is obscurity, as dull and dense as that which overclouds the pages of Rushworth,

manuscript at my disposal on my commencing some years since, at the request of the Messrs. Longman, what I have found to be the not very easy task of preparing for a library edition, and making less unworthy of the favour extended to it, a work entitled *The Statesmen of the Commonwealth* written several years before. On comparing, however, its abstract of D'Ewes with the original, it proved to be so entirely imperfect and deficient even as an index to the larger collections, that there was no alternative but to begin the research anew. I will preface what I have to relate as the result of such more careful inquiry with a brief account of the writer.

Simonds D'Ewes was the eldest son of Paul D'Ewes, one of the Six Clerks of the Court of Chancery, who had married the daughter of his chamber-fellow in the Temple, Richard Simonds, whose Dorsetshire estate, inherited by his daughter, went afterwards to enrich her son. He was born in December 1602; and, after a childhood passed with his mother's family in Dorsetshire, lived with his father alternately in Suffolk and in Chancery Lane; went in his fourteenth year to Bury School, and in his sixteenth to St. John's in Cambridge, from which, after a residence of little more than two years, he was very glad to get back to his father, out of, as he tells us, the swear-

Necessity  
of study-  
ing the  
original  
MS.

Account  
of  
D'Ewes.

Born  
1602.

At Cam-  
bridge,  
1618.

“Nelson, and the Journals; but as we go on, the mist gradually grows less dense,—rays of light dart in here and there, illuminating the palpable obscure; and in the end, after much plodding, and the exercise of infinite patience, we may come to know the Long Parliament as thoroughly as if we had sat in it.”

Leaves  
Cam-  
bridge,  
1620-1.

ing, drinking, rioting, and lustful indulgence, abounding generally in Cambridge at that time. So long previously as his ninth year he had been entered of his father's Inn, so that now, on going into commons at the Temple, he found himself, lad as he was, "ancient" to above two hundred elder Templars. But, though destined for a working lawyer, he did not take kindly to the practical study of the profession. True to his first childish associations with the Chancery Rolls and Records in his father's house, he went suddenly back to the pursuit thus favoured most, and became a confirmed Antiquary. He had not mis-spent his time at Cambridge. He was a fair classical and English scholar, had got himself well up in Aristotle, and was accustomed to recreate his leisure with Spenser's *Fairy Queen*. But the grand purpose of all study now presented itself in other and more absorbing shapes; and from this to the close of his life he found "in records and other "exotic monuments of antiquity, the most "ravishing and satisfying part of human "knowledge."

Quits  
West-  
minster  
Hall.

Delight  
in old  
records.

Fortune befriended him. As his father had married an heiress, he thought he might look out for one himself; and he found one. In his twenty-fourth year he married a Suffolk heiress who had not quite completed her fourteenth, and five years later he added greatly to her estate by inheriting his father's. He bought a knighthood and afterwards a baronetcy, worked hard at the transcription of records, collected valuable manuscripts and parchment rolls, amassed materials for what he flattered himself

Marriage,  
1626.

Buys his  
rank.

would be "a more exact history of Great Britain that remaineth of any nation in the Christian world," compiled his really valuable Journals of Elizabeth's Parliaments, and brought together a library of some rarity and worth. The growth of his importance had been marked meanwhile by his nomination as High Sheriff of Suffolk in 1639. He had not in former years been unmindful of public affairs, nor had the study of antiquity dulled a somewhat sharp sight for what was actually passing around him; but not until the time of his official experience had he realised all the wrongs under which his countrymen were labouring. He was not long now in publicly declaring himself of the Puritan party, his natural leaning to which had been further strengthened by his affection for his wife's cousin, Sir Nathaniel Barnardiston, afterwards member for the county; and the end of it was that upon his humbly bringing before the Council, in his character of High Sheriff, certain ancient records showing the illegality of ship money, and proving other acts of the Board to be unwarrantable, Laud incontinently made a determined patriot of him by flinging him into the Star Chamber. Resolved upon this to get a hearing for his records in Parliament, since elsewhere they were silenced, he offered himself twice before he secured a seat, but was at length returned to the Long Parliament for Sudbury. He came up to London laden with the manuscripts, books, and parchment rolls, that were to proclaim his knowledge of the ancient liberties;

Projects  
a History.

High  
Sheriff of  
Suffolk,  
1639.

Sympathy  
with  
Puritans.

Returned  
to Long  
Parliament for  
Sudbury.

Lodgings  
at West-  
minster.

took a lodging first in Millbank Lane, and then in "Goate's Alley, a little beyond the "White Lyon Taverne, near the Pallace Yard"; took his seat on the day when the committee of seven were appointed to search for precedents in the contemplated proceedings against Strafford; and on that night wrote off to his wife, whom he had left behind him in Suffolk, "I spake thrice this morning in the House, "and at my second speech vouched a record, "which not onelie gave great satisfaction, but "ended a waightie and perplexed dispute it was "then controverting."

First  
speech in  
House.

Affiduous  
attend-  
ance.

Takes  
Notes of  
debates.

Fruit  
thereof:

Daily from that day onward, for upwards of four years, Sir Simonds D'Ewes attended in the place he had selected for himself, on the front bench at the left of Mr. Speaker, just opposite the end of the Clerk's table, with the regularity and precision of one of his own precedents. "Vouching" them almost every day thenceforward, having something to say from them on almost every question, and, what is most to our present purpose, never failing for a single day, when not speaking himself, to be seen busily writing in a note-book as others spoke around him, there sat the learned and self-satisfied member for that small Suffolk borough, taking no unimportant part in the making of history. His love for studying records had fortunately extended to a passion for creating them, and the fruit of his daily taking of notes was the manuscript "Journal of the Parliament begun November "3d, Tuesday, Anno Domini 1640," which still continues for us, as I have stated, a record

of inappreciable value. Even as Sir Simonds had actually written them in the House, with note-book on his knee and ink-bottle hanging at his breast, great portions of them remain, confusedly bound up with duplicate copies and other portions more fairly transcribed; and hence, arising from their very claim to implicit acceptance, the impossibility of accepting them from any but the original manuscript.

I soon found, indeed, on beginning the enquiry before adverted to, that without strictly honest and earnest examination of D'Ewes's actual handwriting, it was impossible to make anything of the Journal. Whatever in it is most valuable, is in the roughest blurred condition; written often on the backs of letters, mere *disjecta membra* of Notes for a Diary, often all but illegible, now and then entirely so; and the reader will better understand the full force of this remark who turns to the careful facsimile made for me of two of its pages, and given as an illustration to the present volume. Many portions, certainly, are more legibly written, a secretary or transcriber having been called in for the purpose; but these are found upon examination to be also the less valuable, consisting often of illustrations drawn from contemporaneous printed records, of prodigiously lengthy expansions of somewhat pedantic orations by D'Ewes himself, or of extracts from the Journals or other documents supplied by the Clerk of the House. Other parts, again, appear in duplicate, as mere expansions of preceding notes. On the other hand, wherever the blotted writing of

in five  
volumes  
of  
Journal.

Condition  
of the  
original  
MS.

Pages fac-  
similed.

Compo-  
nent parts  
of MS.



Confused present state. D'Ewes recurs, there springs up again the actual and still living record of what he had himself heard, and himself noted down, with pen and ink, as he sat in that memorable parliament;\* and these Notes, extending from 1640 to 1645, and in which the fourth or fifth of those years is found jumbled up with the first, second, or third, the one perhaps written on the reverse of the other, have been thrown together and bound with such equally small regard to succinct arrangement, that the

Self-painted portrait. \* I quote a passage from the original manuscript under date November 13th, 1641. The plea and demurrer put in by the bishops was then in debate, and Mr. Holborne, member for St. Michaels, was speaking. "I was then about to withdraw a little out of the house, and went down as far as the place where he was speaking; and finding a seat empty almost just behind him, I sat down, thinking to have heard him a little, before I had gone out. But finding him endeavour to justify the plea and demurrer, I drew out again my pen and ink, and took notes, intending to answer him again as soon as he had done." Between four and five months later (March 5, 1641-2) a special instance occurred of the jealousy very frequently exhibited by members of the house in regard to the practice of note-taking. Sir Edward Alford, member for Arundel, had been observed taking notes of a proposed Declaration moved by Pym. Sir Walter Earle, member for Weymouth, upon this objected that he had seen some at the lower end comparing their notes, and one of them had gone out." Alford was thereupon called back, and his notes required to be given up to the Speaker. D'Ewes then continues: "Sir Henry Vane senr. sitting at that time next me, said he could remember when no man was allowed to take notes, and wished it to be now forbidden. Which occasioned me, being the principal note-taker in the house, to say, &c. That the practice existed before he was born. For I had a Journal, 13th Elizabeth. For my part I shall not communicate my journal (by which I meant the entire copy of it) to any man living. If you will not permit us to write, we must go to sleep, as some among us do, or go to plays, as others have done." For further illustrations I may perhaps refer the reader to the *Arrest of the Five Members*, § xxiii.

Jealousy of Note-taking :

Old Vane objects, and D'Ewes replies.

record of the same week's debates may occasionally have to be sought through more than one, or even two volumes. The pages in facsimile prefixed to this work, which express fairly the condition of the rest, were selected not for that reason, but because they were found to contain a fact of such great historical importance, and to set at rest, in a manner so startling and unexpected, discussions relating to it which have divided the writers of history, that it seemed desirable to present them in a specially authentic form. Yet the very pages so containing it were found entirely separated from the main part of the debates of which they form the connected portion, and mixed up, in a different volume of the MS., with the quite disconnected records of three years later. All this, at the same time, while it explains the obscurity in which D'Ewes's Notes have until now been permitted to rest, gives us also striking proof of the genuineness of the record. Its extraordinary value and exactness will appear in the section I am about to devote to the subject of Strafford's Attainder, as well for more detailed explanation of the new fact referred to, as for the better understanding of the position of parties during the Remonstrance debates. The reader, who afterwards pursues with me the subject of the Great Remonstrance itself, will have less reason to doubt the scrupulous veracity of what is here about to be contributed to its illustration.

Example of importance of their contents.

Why not earlier made use of.

§ IV. ATTAINDER OF THE EARL OF STRAFFORD.

The Attainder made a test of opinions.

THE Bill for Strafford's Attainder has been generally employed as a test of opinion upon the occurrences of this great period. To have opposed, or to have supported it, is even to this day put forth for proof, in either partizan, of the temperate love of freedom or of the unreasoning passion for revolution. The folly of adopting such a test, and the grave contradictions it involved, have been often pointed out; but it has nevertheless been still repeated and insisted on, with no abatement of confidence.

A fallacious one.

The last person of any pretension who made use of it, a privy councillor and county member, himself a lineal descendant of Charles the First's Chief Justice of the Pleas,\* classes the Attainder with what he calls the revolutionary, the "fatal" act, for perpetuation of the Parliament, to which the royal assent was given on the same day; and he contrasts the reckless supporters of such legislative abominations in the person of Mr. Pym, with the constitutional supporters of a limited monarchy represented by my lord Clarendon. It is nevertheless more than doubtful whether Mr. Edward Hyde did not vote for the attainder,

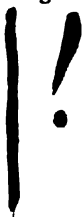
Unwise comparisons and contrasts.

"Story of Corfe Castle."

\* The late Mr. George Bankes of Dorsetshire, who made use of the expressions quoted in the text, in remarking on some family papers of his ancestor Sir John Bankes, Charles the First's Chief Justice of the Common Pleas, which he published a few years ago.

and it is very certain that he *did* vote for the bill to perpetuate the parliament. The same ingenuous admirer of Clarendon strongly denounces the celebrated Protestation on behalf of Parliamentary liberty and the Reformed religion, brought forward at the time by Pym with so surprising an effect upon the people, without appearing to be in the least aware that the second name affixed to the Protestation was Edward Hyde's.\* He can find nothing better than Robespierre's Reign of Terror wherewith to compare the excitements and "pretended" plots that forced on Strafford's execution; though it rests on authority

The  
"Protestation" to  
defend  
Parliament and  
Religion.



\* In a letter to Lady D'Ewes, Sir Simonds thus describes the ill-fated interference of the King which directly led to the Protestation, and destroyed the last hope entertained by Strafford. "On Saturday morning wee understood that the King was come to the Upper House and expected us. Some feared a dissolution; but Mr. Maxwell came in with his white stick, and looking cheerfullie, saied, Feare not; noe harme, I warrant you. But trulie wee heard there what astonished us all; for in summe the King told us, that the Earle of Strafford was not guiltie of treason in his conscience, but of misdemeanors onlie, and soe would not have him suffer death, but onlie bee removed from his places.—Upon our returne to the House, wee refused to proceede in anie business, but sate silent, yet some spake shortelie of our calamitie. When I dreamt of nothing but horror and desolation within one fortnight, the consideration of your selfe and my innocent children drew teares from mee. At last, manye having often cried *Rise, Rise*, betweene eleven and twelve wee rose. Sunday was passed over with much affliction and sadness. On Monday morning, the third day of this instant May, some seven thousand citizens came downe to Westminster; manie of them Captaines of the Cittie and men of eminent ranke. They staid each Lord almost as hee came by, and desired they might have speedie execution upon the Earle of Strafford, or they were all undone, their wives and children. Wee shut upp our doores, and though some went in and out, yet kept private what wee were about, and staid from eight in the morning till eight at

D'Ewes  
to Lady  
D'Ewes.

King's  
ill-fated  
step.

Agitation  
in the  
House  
and in the  
City.

Royalist  
support-  
ers of  
Attain-  
der.

Falkland,  
Culpeper,  
Capel,  
and Hyde.

beyond dispute that the man who carried up to the Lords the first message as to the army plot which precipitated the execution, was no other than Edward Hyde. Its resolute promoter to the last, by speeches as well as votes, was Falkland, Hyde's dearest friend. Culpeper, his other confidential and intimate ally, supported eagerly every step that led to it. The last thing his associate Lord Capel recalled, as he laid his own head down upon the scaffold raised by Cromwell, was his vote in favour of it. And Hyde himself was the man who exposed and defeated the final desperate attempt of Strafford's personal friends, by means of an escape from the Tower, to avert what Clarendon had afterwards the face to call Strafford's "miserable and never to be enough lamented ruin." Such are the inconsistencies and contradictions incident to almost every attempt, founded on the hitherto recognized sources which alone were open to the student, to adjust and apportion correctly the share taken in these momentous proceedings by the leading men in the Commons.

Much of the confusion is undoubtedly due to Clarendon, the assiduous efforts of whose later life, to blacken the characters of the

"Protes-  
tation"  
drawn up.

Taken  
by all.

"night, and so concluded of a Protestation for the defence of the true religion, the King's person, the Priviledges of Parliament and our Liberties. The Speaker read the Protestation first, and then everie man in the House, even the Treasurer of the King's Household himself, spoke to this effect, holding the said Protestation in his hande.—' Mr. Speaker, I, —, doe willinglie make the same Protestation that you have made before me, according to what is contained in this paper, with all my heart.' "

leading men of the parliament, are read with implicit belief by so many to whom it never occurs to remember that at the outset of his life Mr. Hyde had acted cordially with those men. The privy councillor I have quoted at once satisfied himself that Clarendon could not have had any possible complicity with the Attainder, because in that case his language to Lord Essex, set down in his own memoirs, would involve an incredible inconsistency. But unhappily the entire conduct of Hyde at this period is now proved to have been an inconsistency (to use no stronger word), deliberately as well as elaborately planned, and carried out with a view to the uses to be made of it towards the service of the King. When he declined to take office with Culpeper and Falkland, it was because "he should be able to do much more service in the condition he was in, than he should be if that were improved by any preferment." In other words, he stayed as an independent member among the patriots, to make the better royalist use of his knowledge of their plans. Even in his own history he does not scruple to say as much, though his first editors had not the filial courage to print it. By the favour of more authentic editing it stands there now, a shameless avowal, on the same page which perpetuates his fame. When he had himself assented to a particular state paper issued by the House of Commons, he does not hesitate to inform us that the answer, issued some days later by the King, was copied from a draft prepared and privately forwarded

Danger of believing in Clarendon.

Conduct of Hyde.

Why he declined office.

Strange self-exposure.

Hyde  
chairman  
of a com-  
mittee.

Encoun-  
ters a tem-  
pestuous  
person.

Mr.  
Cromwell  
"in a  
"fury."

Sir Ralph  
Verney's  
*Notes.*

by himself; and when, in grand committee on the bill against episcopacy, he was chosen chairman, he expressly tells us that he used the advantage it gave him to "ensnare" and "perplex" the advocates of the measure. Somewhat earlier, it may not here be out of place to add, he had sat also as chairman of a committee to hear witnesses in support of certain complaints brought before the Commons, on which occasion he seems to have found it extremely difficult to ensnare or perplex a particular member who sat with him. This was a gentleman whom he had "never before" heard speak in the House, but whose whole carriage in the committee was so tempestuous, and his behaviour so insolent, that Mr. Hyde found himself under the painful necessity of reprehending him. A rebuke which nevertheless appears to have had small effect on the honourable member, who "in great fury reproached the chairman for being "partial;" which, having regard to the confession just made in a precisely similar case, I am disposed to think that the chairman decidedly may have been. The honourable member who came so tempestuously on this occasion between the witnesses ("who were a very rude kind of people") and Mr. Hyde's sense of decorum, was Mr. Cromwell, lately returned for the town of Cambridge.

But a more reliable reporter than Mr. Hyde was at length found when the *Notes* of Sir Ralph Verney were discovered.\* Among them

\* Quoted originally by Serjeant Onflow, and afterwards by Mr. Hallam, they were first published in detail by Mr. Bruce.

was one of a speech by Hampden, in debate upon the propriety or otherwise of the Commons attending the upper House to hear Strafford's counsel on the matter of law, which, on being made public by Serjeant Onslow, was thought generally to have established the fact that Hampden had separated himself, as to the Attainder, from the friends with whom he usually acted, and had been against proceeding by bill. Verney's words are these.

Reports  
debate on  
Strafford.

“HAMPDEN. The bill now pending doth not tie us to goe by bill. Our Council hath been heard; *ergo*, in justice, we must hear his. Noe more prejudice to goe to hear Council to matter of law, than 'twas to hear Council to matter of fact.” No doubt the implication seemed to be that Hampden would rather not have been tied to go by bill.

Speech by  
Hampden:

On the other hand it was to be remarked that the resolution to which Verney's note relates, was upon a question in no respect vital to the Bill of Attainder. Culpeper voted with St. John against it, Sir Benjamin Rudyard joining with Lord Digby for it; and Hampden, in voting as he is supposed to have done, would have separated himself quite as much from the Hyde and Culpeper party as from the friends with whom he invariably acted. Nor was there really sufficient ground for supposing that up to this point any grave dispute or dissension had arisen in the lower House upon the course to be pursued against Strafford. As yet he had few friends there: his hottest enemy, Lord Digby, not having yet become his friend. And it is entirely a

on question  
not  
material  
to the Bill.



Attainder  
not in  
dispute.

misapprehension to argue as though the alternative were raised by the point to which Hampden spoke, either to hear Strafford's counsel at the bar, or to proceed with the bill ; and for this plain reason, that both were ultimately done. Hampden's opinion and vote prevailed, and the Bill of Attainder nevertheless proceeded.

Hampden  
supposed  
favourable  
to it.

It appeared to me, for these reasons, that nothing had been settled conclusively by Verney's note beyond the fact of his having desired that Strafford's counsel should be heard in the manner proposed, with full sanction of the House : both because it contained no opinion distinctly adverse to the Attainder, and also because, believing Pym to have originated that measure, I found it difficult to imagine that in a proceeding of such importance Hampden could have separated himself from the friend with whom, through the whole course of these eventful times, he certainly had no other known difference. I was, however, but partly right ; and to the great historian whose loss we all deplore, to Lord Macaulay alone, of all who have variously commented on Verney's note, must be given the praise of having construed it, not indeed altogether correctly as to the special matter in debate, but, as to the general and more important question of a desire still to stand on the Impeachment, with a singular correctness. "The opinion of Hampden," he had remarked, not permitting himself to be influenced, in the plain construction of the words, by any consideration of the course which Pym might have preferred to take, "as far as it

Correcter  
judgment  
by Ma-  
cauley.

“ can be collected from a very obscure note *Essays*, i.  
 “ of one of his speeches, seems to have been <sup>467.</sup>  
 “ that the proceeding by Bill was unnecessary,  
 “ and that it would be a better course to ob-  
 “ tain judgment on the Impeachment.” This,  
 I shall proceed to show, was exactly the opinion <sup>Line</sup>  
 which Hampden had formed; and it is yet <sup>really</sup>  
 more startling to add that in adopting it he <sup>taken by</sup>  
 was only following Pym’s lead. Not to <sup>Hampden.</sup>  
 Macaulay, or to any one, had it occurred as  
 within reasonable probability, that Pym him-  
 self, upon the mere ground of policy, might  
 also have opposed the Attainder. Such never-  
 theless was the fact. The evidence of D’Ewes <sup>Evi-</sup>  
 is decisive. It sets at rest, at once and for <sup>dence of</sup>  
 ever, such personal statements and charges <sup>D’Ewes.</sup>  
 connected with this great fact in history as  
 have been variously disputed and long con-  
 tested by historians; and it apportioned at last, <sup>Doubts</sup>  
 with some degree of correctness, the respon- <sup>set at rest.</sup>  
 sibilities of blame and praise incurred by the  
 men who abandoned the way of Impeachment  
 they had themselves originated, in order to  
 proceed by Bill.

That mode of procedure, it seems, had <sup>Procedure</sup>  
 been canvassed at the opening of the session; <sup>by Bill</sup>  
 and having been strongly advocated by St. <sup>originally</sup>  
 John, Glyn, and Maynard, a Bill of Attainder <sup>proposed.</sup>  
 was actually prepared. But Pym and Hamp-  
 den were so bent the other way, and so con-  
 vinced that their proofs would establish the  
 charge of treason under the statute of Edward,  
 that the Impeachment went on. Nor in this <sup>Pym and</sup>  
 belief did they ever waver for an instant. <sup>Hampden</sup>  
 Up <sup>for Im-</sup>  
 to the close of the proceedings on the trial, <sup>peach-</sup>  
 ment.

they had an invincible persuasion that in the several hearings before the upper House both the facts and the law had been established; and when the sitting of the thirteenth day, Saturday the 10th of April, had closed abruptly in violent dissatisfaction at a decision of the peers which allowed Strafford to reopen the evidence on other articles provided the demand of the Commons to give additional proofs of the twenty-third article were conceded, they returned to their house, not to throw up the Impeachment, but to prepare the heads of a conference with the Lords for settlement of such matters of difference as had arisen. But with them returned a more discontented section, numbering among its members not only such men as Haselrig and Henry Marten, Oliver St. John and Glyn, but also a group comprised of Falkland, Culpeper, the Hothams, Tomkins (member for Weobly), and others, all of whom afterwards either openly embraced the cause of the King, or secretly conspired to further it. And by these men it was that the project of proceeding by Bill, formerly laid aside, was now suddenly revived and pressed. "Divers," says D'Ewes, "spake whether we should proceed by way of Bill of Attainder, or as we had begun; but most inclined that we should go by Bill." The principal opponents were Pym and Hampden. The additional evidence sought to be given before the Lords, upon the twenty-third article, was that copy of the Notes taken at the Council Board by the elder Vane on the day

Dispute  
of the 10th  
April.

Dissatisfac-  
tion  
with  
Lords.

Bill of  
Attainder  
revived.

Opposed  
by Pym  
and  
Hampden.

Elder  
Vane's

of the dissolution of the Short Parliament, which had been abstracted from his cabinet by the younger Vane, and by him given to Pym, who had founded the twenty-third article upon them. They were publicly read for the first time, after the tumultuous return of the Commons to their own house on that Saturday afternoon; and from them it appeared, not only that Strafford had given the King such traitorous advice as the article in question charged him with (that, having been denied supply by his Parliament, the Sovereign was absolved and loose from all rule of government, and that he had an army in Ireland which he might employ to reduce "this kingdom" to obedience), but that Laud and Lord Cottington also had taken part in the dangerous counsel. Amid the excitement consequent thereon, the Bill of Attainder was produced; and the proposal by which it was met on the part of those who objected to its introduction, was, that a narrative of the circumstances attending the discovery and production of Vane's important Notes of Council should be drawn up and submitted to the Lords at a conference; and that if, upon deliberation, the Lords decided not to receive it except upon condition of permitting the accused to reopen the evidence upon other articles, then that it should be waived, and immediate steps taken to sum up the case on both sides, and demand judgment. Any other course, they argued, would involve not only the certainty of delay, but a strong probability of disagreement with the House of Lords. So decided

Notes of Council.

Objection to their production.

Excitement thereon.

Conference with Lords proposed.

Pym and  
Hampden  
outvoted.

was the feeling for the Bill, however, that for once these great leaders were outvoted, and it was introduced and read a first time; a suggestion of Hampden's, for resuming at Monday's sitting the preparation of heads for a conference with the upper House, being at the same time assented to.

Sitting of  
the 12th  
April,  
1641.

What occurred in the latter part of this Monday's sitting (the early part was occupied by the speeches of Pym and young Vane in reference to the Minutes of Council, and by the examination of the elder Vane's secretary as to their abstraction from his cabinet), the reader who turns to the facsimile given at the opening of this volume may study from D'Ewes's blotted record, taken down while yet the sitting went on, and while the men named in it were busy talking and writing around him. He will probably, however, elect to avail himself of the labour I have already given to the task of decyphering it, and prefer to read it in the plain print subjoined. Nor, having so enabled him to understand the existing condition of D'Ewes's manuscript, and the causes which will continue to keep it a sealed book from all but the most determined student, shall I think it necessary to recur to the subject in the frequent further references I am about to make, and in which everything required to render my extracts intelligible will be silently supplied.

Reported  
in  
D'Ewes's  
MS.

Two  
pages in  
fac-simile.

The report now to be quoted is of the roughest kind, as will be observed; passing abruptly from one point to another without explanation, and leaving upon record things subsequently laid aside. But its evidence is

decisive as to the personal matters for which alone it is here introduced; and never more can be raised the question, so long and eagerly debated, of whether or not Hampden quitted Pym's side during the discussion of the Bill of Attainder, and temporarily joined with the party whom he afterwards very determinedly opposed. Upon this, as upon every other great incident of the time, the two friends held their course together, from first to last. It must be kept ever in view, however, that they did not oppose the introduction of the Bill of Attainder as having any doubt either of Strafford's guilt, or of the sufficiency of the proofs against him. They opposed it for the express reason that they held the proofs already placed before the Lords *to be* sufficient; and their subsequent assent to it, when the majority finally determined on that course, involved no inconsistency.

Pym and Hampden acting together.

Why they opposed Attainder.

“ Mr. Pymme shewed that the Committee appointed for the managing of the evidence against the Earle of Strafford had prepared certaine heads for a conference with the Lords. “ Mr. Maynard began where Mr. Pymme ended & furth [further] shewed that wee were to desire a conference.

Pym suggests conference.

“ 1. A Narrative of the evidence concerning the triall against the Earle of Strafford, for which evidence wee had two members of the house readie to be deposed & for w<sup>ch</sup> the Committee advised with the house & intended to have presented the same to their Lor<sup>ps</sup> on Saturday last.

Maynard recites points for settlement.

House will  
make sa-  
crifices to  
prevent  
delay.

“ 2. The house having taken consideration  
“ thereof doe conceive it verie materiall :  
“ yet in regard of the danger & distrac-  
“ tion of the kingdome being verie great  
“ & will admit noe delay, they are re-  
“ solved to come to a generall replie &  
“ to waive the saied evidence, if the  
“ Lords shall not permitt it to bee  
“ examined unlesse the Earle of Straf-  
“ ford [have] libertie to examine wit-  
“ nesses to other Articles ; w<sup>ch</sup> the house  
“ doth doe to avoid delay, which is now  
“ of extreame dangerous consequence.

Others  
guilty  
with  
Strafford.

“ 3. Others confederated. Archb<sup>p</sup> & Lord  
“ Cottington are discovered: when mo-  
“ tion to bring in Irish armie was made  
“ by Earle of Strafford: by this paper  
“ will appeare, if their Lor<sup>pp</sup> will have  
“ the paper read.”

At this point, as will be seen in the fac-  
simile, D'Ewes puts a note in the margin,  
respecting that third head of the proposed  
conference to which the preceding not very  
clear sentences, and the two following not  
much more luminous paragraphs, relate.

Their  
guilt not  
to be in-  
fisted on.

“ This 3d head thus penned was rejected,  
“ and a new one brought in.  
“ Desire the L<sup>ds</sup> to joine with us to prevent  
“ danger : which might ensue upon such coun-  
“ sels.

“ Those Councillors removed.

The  
Notes of  
Council.

“ 3. That upon occasion of discoverie of  
“ this evidence a paper was read in the  
“ house by w<sup>ch</sup> it appeared that at the  
“ same time when the Earle of Strafford

“ gave that dangerous counsell of bring-  
 “ ing in the Irish armie into England  
 “ others were present, deciphered by  
 “ these letters Arch. & L. Cott. whome  
 “ wee conceive Lord Arch. & L. Cott.  
 “ verie full of pernicious counsell to the  
 “ King & slanders to the Commons  
 “ house assembled in the last Parliament.

Laud and  
 Cotting-  
 ton  
 involved.

“ Mr. Hotham moved to have the bill of  
 “ the Earle of Strafford’s attainder read.

Hotham  
 for At-  
 tainder.

“ Mr. Pymme would not have the bill read,  
 “ but to goe the other way: because this is  
 “ the safer, to shew that wee & the Lords are  
 “ reconciled & not fundred: & soe we shall  
 “ proceed the more speedilie by demanding  
 “ judgment.

Pym  
 against.

“ Mr. Maynard one way doth not crosse  
 “ another, but wee may goe by bill of attain-  
 “ der if wee will, or by demanding judgment:  
 “ w<sup>ch</sup> wee may best resolve upon when wee see  
 “ the end of the triall.

Maynard  
 for.

“ Sir Benjamin Rudier [Rudyard] shewed  
 “ the great treason of the Earle of Strafford,  
 “ & yet faied that one full third parte of the  
 “ evidence was not heard, & that divers of  
 “ the Lords who weere present at the open-  
 “ ing thereof weere not satisfied that it was  
 “ treason.”

Rudyard  
 doubtful.

So ends the first page of the facsimile. On the reverse page the debate is continued, the first two speakers being men notorious afterwards for their royalist services, and the third being D’Ewes himself.

“ Mr. Tomkins for bill of attainder to bee  
 “ read, for it is the old way.

Tomkins  
 for.



- Culpeper for. " Sir John Culpepper not to lay bill aside :  
" the safest & the speediest way to proceede by  
" bill : yet for the conference now.
- D'Ewes against. " I saied that I was verie gladd of the motion  
" for a conference. Necessitie to complie with  
" L<sup>s</sup> [Lords] for timor bonorum spes malorum  
" & the distraction now soe great in the king-  
" dome as it threatens much hazard. First  
" to demand Judgment the most ancient way  
" in evident cases : Bill, when men dead, or  
" fledd, or cases difficult. This the shorte  
" way. For nothing now but to demand  
" judgment. A bill will be long in passing ;  
" & all delais incident to that as to this.  
" For the summing upp, a narrative may bee  
" omitted or proceeded in. This the safe  
" way. B<sup>pps</sup> in bill ought to have voices.  
" Divers saied No. But I tolde them that  
" I spake not by rote or tradition but what I  
" knew. That I had this morning been  
" searching in the office of the clark of the  
" Lordes house touching the bill of attainder  
" of Sir Thomas Seymour Lord Sudeley, as in  
" paper pinned.\*
- Urges judgment on Impeachment. " Divers moved that Mr. Treasurour might  
" explaine himselfe, whome hee meant by  
" L. Cott. whether hee did not meane Lord  
" Cottington.
- Explanation asked from old Vane. " Mr. Treasurour [Vane] denied to make  
" any other or further explanation till he had  
" well advized therupon, though wee sent him  
" to the Tower.
- Refused.

\* All that remains now of that " paper pinned," however, is the space it once occupied. The page simply proceeds and closes as in the text.

“ Mr. Glynne shewed reason, why the com- Glyn  
mittee named the Lord Cottington because explains.

“ [he] had sworne hee was there.

“ Mr. Martin [Henry Marten] spake to Marten  
“ have bill of attainder read againe and to for At-  
“ proceede that way. tainder.

“ Mr. Hamden answered him & moved  
“ the message might goe upp speedilie.

“ Mr. Hamden sent with the message about Hampden  
“ 12 of the clocke, but the Lords weere against.  
“ risen.

“ Being returned wee fell into debate to  
“ vote the heads for the conference.

“ Upon the first head before sett downe Vane and  
“ being read and debated, Mr. Treasurour his Son.  
“ upon some motions, was twice drawn to  
“ declare concerning the faied paper found by  
“ his sonne, that hee first moved his Ma<sup>ty</sup> that  
“ hee might burne it, & soe he commanded  
“ him to doe it: & secondly, that hee was not  
“ possible able to speake further to it, till hee  
“ had considered deliberatelie of it.”

Of the men who, on that 12th of April, thus supported the Attainder, Hotham was afterwards executed for betraying the trust reposed in him by the House, Tomkins was expelled for similar bad faith, and Culpeper entered into the service of the King. Glyn and Maynard seem not to have committed themselves on that day, but in the subsequent debates they proved to be as eager for the Attainder as St. John himself; though both lived to take part at the Restoration, to their eternal infamy, in bringing to the scaffold men such as Henry Vane, whose

Subse-  
quent  
course of  
supporters  
of Attain-  
der.

Condu&t  
of Glyn  
and May-  
nard.

Line  
taken by  
Falkland:

excused  
by Cla-  
rendon.

What  
excuse  
for Mr.  
Hyde?

only crime was to have borne a share, not more marked than their own, in these transactions. Of Falkland, in relation to the Attainder, it is needless to speak. Such was what Clarendon calls his sharpness of tone upon this subject altogether, "so contrary," he adds, "to his natural gentleness and temper," that his friend says those who knew him but imperfectly were wont to account for it by recalling the memory of some unkindnesses, not without a mixture of injustice, from Strafford to his father;\* while Clarendon himself, with the usual dissimulation, attributes it to his having been "misled by the authority of those who, he believed, understood the laws perfectly." If this indeed had been the fact, it is a pity that so accomplished a lawyer as Mr. Hyde was already become did not take the necessary pains to enlighten so intimate a friend, gone astray on a matter of such great importance; but still more is it to be regretted that very considerable grounds should exist for believing that they actually went astray respecting it in each other's company. For if it be also true, as in his history he distinctly informs us, that upon no question had they ever had a single difference,† or given votes

Strafford's  
contempt  
for old  
Falkland.

\* Strafford had undoubtedly a great contempt for the elder Falkland, his predecessor in the Government of Ireland; and when the King referred to the new Lord Deputy sundry applications from Falkland for favours to be bestowed on relatives or connections of his own, Strafford always resolutely set his face against them. See *Letters and Dispatches*, passim.

† This is repeatedly said or implied in what is remarked of Falkland throughout the history, and when it occurs to the historian to describe the disagreement between himself and Falkland on the debate of the bill for taking away the

opposed to each other, until the day when, after Strafford's execution, the bill for taking away the bishops' votes was first debated, the inference is irresistible that Hyde, who assuredly did not at any time vote against, must have voted *for*, the Attainder. Certainly what he says respecting it in his book is an entire falsification of the facts, and could only have been written under the persuasion that the erasure from the journals of both Houses, at the Restoration, of every trace of the proceedings connected with it, had equally obliterated them also from the recollections of men. He might have shrunk from such confident misstatement, if any vision of D'Ewes's Notes had presented itself, as likely ever to rise again.

Takes  
same  
line as  
Falkland.

Too much  
faith in  
short  
memories.

So clear and straightforward, on the other hand, was the course taken by Pym and Hampden, that even by their subsequent adoption of the Attainder not a shadow of inconsistency was thrown on their previous resistance. They resisted it, because, believing

Pym and  
Hampden  
consistent  
through-  
out.

bishops' votes, brought forward after Strafford's execution, he expressly notes it as memorable that there arose in this debate, "between two persons who had never been known to differ in the house," a difference of opinion (i. 412). Now nothing is so certain as that Falkland strenuously, by votes and speeches, supported the Attainder in every stage; and it is utterly impossible that Hyde could have made the remark just quoted, which was written two years after his friend's death, with anything so recent and so marked in his memory as a difference on the Attainder must have been. The friends sat, too, as they voted, together. "The Lord Falkland always sat next Mr. Hyde, which was so much taken notice well as of, that if they came not into the House together, as voting usually they did, everybody left the place for him that was together. "absent" (i. 413).

Hyde and  
Falkland's  
agree-

Sitting as

Their belief in Strafford's guilt.

Question raised whether to hear his counsel?

Resisted by Falkland and Culpeper.

Supported by Hampden and Pym.

the guilt of Strafford to have been proved, they continued to have faith in the Impeachment; and afterwards they adopted it, because, the House having finally determined against the Impeachment, the same conviction as to Strafford's guilt left them only that alternative. Until the very last, however, they clung to the Impeachment, and to the obligations it had imposed. St. John, Glyn, and Maynard, as soon as the bill was introduced, would have made it the pretext for resisting what had previously been resolved as to hearing counsel for Strafford before the Lords upon the matter of law; and this point was strenuously debated for two days. It was in relation to it that the speech was spoken by Hampden of which Sir Ralph Verney kept the note. Both Falkland and Culpeper, as well as St. John, Maynard, and Glyn, insisted strongly that it would compromise both the dignity and the power of the Commons, if, at a time when they proposed to make themselves judges in the case, they consented to hear or reply to counsel anywhere but at their own bar; and Culpeper went so far as to assert his belief, that, by attending so to hear and reply before the Lords, they would imperil their right to assume subsequent legislative action in the matter. But Pym and Hampden were not to be moved from the ground on which they stood resolutely as to this part of the case. Why should not the lawyers of the House, suggested Hampden in reply to Culpeper, speak to the points of law before the bar of the Lords, and then come back to their seats among the members of their

own House, and afterwards speak again at the Lords' bar if necessary? To which Maynard Speech of Maynard against. somewhat hotly replied, that he should hold such a running up and down from one place to another to be nothing less than a dishonour to the Commons. The word called up Pym, Pym in reply. who appears to have made one of his most effective appeals. He submitted to the House that the question before it, of hearing and replying to Strafford's counsel before the Lords, did not bind them either to continue, or to abandon, the proceeding by bill. That might hereafter be settled, according to the wisdom and pleasure of the House; but what they Advocates Strafford's claim to hearing. had now to consider was the question, really involving honour, whether the pledge was to be kept or to be broken, which, at the time when their counsel first rose before the Lords to speak against Strafford, they then undoubtedly gave that Strafford's counsel should be heard in his behalf before the same tribunal. "If," continued Pym, according to the report in D'Ewes's manuscript of this remarkable speech, "if we did not go this way to have it heard "publicly in matter of law as well as it had "been heard for matter of fact, we should "much dishonour ourselves, and hazard our "own safeguards."

To this appeal the House yielded, and the same spirit which suggested it prevailed in the His appeal successful. subsequent proceedings. It was upon Pym's motion, when the Impeachment was finally abandoned, that all its most material articles were imported into the Bill; that the facts, under each article, were voted separately; and

His suggestions as to Attainder.

English compared to French Revolution.

Folly and falsehood of comparison.

that, before the third reading passed to a question, the House first heard the "Gentlemen of the long robe" argue at great length the several points of law, and then proceeded judicially to vote upon them. It would tax a greater ingenuity, I think, than that of the privy councillor and county member to whom reference has been made, to discover in all this anything of Barrère or Fouquier Tinville. It is a school of comparison, however, to which recourse is ever readily found by unreasoning assailants of the parliamentary leaders; and Mr. Bankes has not scrupled to declare that "while the English are thought to be less sanguinary in their days of political frenzy than the French, undoubtedly the history of London in 1641 bears very many points of similarity with the history of Paris from the year 1791 to 1793." Not the less is it to be said, of all such attempts at parallel, that they are simply and utterly false. For a moment to set up the assertion that the history of London, during the year when the Commons impeached and beheaded the most capable minister of the King, and the King made a similar but less successful attempt against the most capable members of the Commons, bears even any points of similarity with the history of Paris at the time when its guillotine reeked with the execution of its harmless inoffensive King and its poor fallen Queen, while women and men were taken daily by waggon loads to death, and while the swollen gutters of the wicked city foamed over into the Seine with the best blood of

France, is to insult the sense of the reader to whom such folly is addressed. Happily, few are now found to repeat it. It belongs to a hardihood of assertion that has long been passed away, to compare the frenzied wretches who bore aloft the mangled body of the Princess de Lamballe with the calm self-resolute men who kept the sword quietly sheathed till it flashed out at Edgehill and Marston Moor. It is now for the most part the declared belief of every writer who has shown himself familiar with this period of English history, that with anything approaching to its temper under wrong, its patience in long suffering before the sword was drawn, its moderation in victory when the sword was finally sheathed, no similar movement in the world was ever begun and carried to its close.

Obsolete views.

Opinions of the better informed.

Upon this earlier portion of the story of our civil wars, indeed, nearly all intelligent inquirers might be thought to have laid aside their differences long ago. From whatever opposite points of view, the fairest judgments have been able of late years to arrive at substantially the same conclusion, on this first stage of the conflict; and, up to the Arrest of the Five Members at least, to agree that a power to discriminate between good and bad faith is really all the investigation requires. That the Long Parliament had no desire permanently to strip the Crown of any of its essential prerogatives, and did absolutely nothing, before the sword was drawn, which was not justified by the King's personal character, or of which the sufficient reason is not discern-

Agreement up to Arrest of Five Members.

Parliament's justification.



General  
character  
of the  
struggle.

ible in a necessary absence of all belief or trust in his promises, is an opinion which the most uncompromising high-church reasoners have not been ashamed to adopt from the late Mr. Coleridge; and it was the scrupulous regard for truth and right by which the struggle was so characterised at its beginning, that imparted to it mainly what bore it in such honour and credit to its end. We have also to remember that much more of the real wealth of the kingdom was committed on behalf of the Parliament than at any time remained with the King, and that this alone would have rendered it impossible that *sansculottism* should have got the upper hand amongst us. Some lives were sternly exacted, because held to have been necessarily forfeited; but no blood was ruthlessly or causelessly spilt upon the scaffold. No monstrous or unnational innovations disgraced the progress, and no infamous proscriptions marked the termination, of the war. The palaces of England stood throughout as unrifled as its cottages; and, except where fortified resistance had been offered, the mansions and manor-houses remained as of old, through the length and breadth of the land. While the conflict continued, no servile passions inflamed or disgraced it; and when all was over, the vanquished sat down with the victors in their common country, and no man's property was unjustly taken from him.

More  
wealth  
with the  
Commons  
than with  
the King.

No  
terrorism.

Origin  
of the  
interest

For these reasons it is that the various incidents and characters in the civil wars of the seventeenth century continue to be regarded with a living and active sympathy. Other

events, hardly less momentous at the time of their occurrence, have left but a local and partial stamp upon our annals; while even yet the interest of these is national and universal. They do not concern particular neighbourhoods only, but address themselves still to every family and fireside in the kingdom; for under Heaven we owe it mainly to them that all English homes are now protected and secure. The result has answered to their origin. They began in no sordid encounter of selfishness or faction, they involved no vulgar disputes of family or territory, and personal enmities formed no necessary part of them. They were a war, as one of their leaders said, without an enemy. In the principles they put to issue, we continue ourselves to be not less interested than were our forefathers; and hardly a question of government has arisen since, affecting human liberty or the national welfare, which has not included a reference to this great conflict, and some appeal to the precedents it established. Nothing can be unimportant that relates to it, therefore, nor any service small that may explain the motives of its leaders; and it is well that the record by D'Ewes, to which we are about to be so largely indebted, should have enabled us first to discern clearly the course they took upon the greatest question that arose before the war began.

One word as to Strafford himself may be added at this outset of my narrative. Believing that justice remained with the Parliament, I think not the less that high and noble qualities were engaged on the side of the King; and

still  
inspired  
by the  
war.

A war  
without  
an enemy.

D'Ewes  
as to acts  
and  
motives.

Greatest  
man on

the King's  
side.

Where  
his state-  
manship  
succeeded.

Where  
it failed.

His system  
in Ire-  
land.

beyond all question they found their most conspicuous example, as, but for the event I have been describing, they would have found their most formidable development, in Strafford. His Irish administration is the signal proof that in some of the noblest qualities of statesmanship, and eminently in the supreme art of turning the resources of a country to profitable account, he stood alone in his age. But what should have been to such a man the highest object of ambition, he unhappily missed altogether; and, tried as it was in most advantageous circumstances in Ireland, and backed as it was by his own consummate power, his whole system of government broke down. It could not have sustained itself, indeed, without overthrowing the public liberties, because it was an attempt to establish the royal prerogative above them. Nevertheless it also included much that had no unpopular aspect, for it was the design of a man of courage and genius. He would have cleared the land, by foul means or fair, of the native possessors; he would have rooted out the idle, improvident, beggarly proprietor; and he would have planted everywhere English wealth and English enterprise. It is remarkable that a scheme which in its final development brought its author to well-merited ruin, should yet have involved so much that, in other hands, and with other ultimate aims, might have saved and regenerated Ireland. Every petty oligarchy would have been reduced by it to subjection before the monarchy, and it would have struck down all the tyrannies but

its own. The mere forms of parliament would univerſally have been retained and reſpected by Strafford, becauſe he knew that deſpotiſm has no ſuch efficient ally as parliaments deprived of parliamentary power. While he made the Irish Cuſtoms more profitable by four times their annual amount, he would ſo have employed this enormous increaſe as again and again to multiply itſelf, through enlarged reſources of commerce and trade. While he eſtabliſhed vaſt monopolies for the Crown, he would have aboliſhed private monopolies that had ſimply gorged its ſervants. And in the very act of impoſing taxes arbitrarily, and levying them by military force, he fell with ſo heavy a hand on wrongdoers of high rank, as made the oppreſſed commonalty grudge leſs what they, too, had to endure. But here lay the danger that proved fatal to him. He created numerous enemies whoſe power he deſpiſed, and he failed to ſecure the ſingle friend whoſe conſtancy and courage might have baffled them. Strafford's Irish adminiſtration had no ſuch dire foe as the monarch whom it was meant to ſave. Charles intrigued againſt it himſelf, and favoured all the intrigues of others. Even the ſervices it rendered to him were hateful for their connection with the reſtraints it would have impoſed upon him. It became thus of the very eſſence of Strafford's deſign, comprehensive as it was, that the good it might have wrought ſhould periſh by the evil it could not but inflict. The ſword he had provided for ſafety turned and broke in his hand. A too vaſt ambition, joined with a too

The good  
implied  
in it.

The dan-  
ger that  
proved  
fatal.

Bad faith  
of the  
King.

Moral of  
Strafford's  
govern-  
ment.

narrow aim, destroyed him. And his Irish administration is now chiefly memorable, not for the revenues and resources it so largely developed and his master as miserably wasted; not for the linen trade it established, which struck root and has saved the land; but because it has shown, by one of the greatest examples on record, of what small account is the statesmanship most successful in providing for material wants, which yet refuses to recognise the moral necessities of the people it assumes to govern.

#### § V. REACTION AFTER STRAFFORD'S DEATH.

Parties  
altered  
after  
Strafford's  
death.

Remonstrance  
a fresh  
starting-  
point.

What  
Cromwell

THE altered position of parties after Strafford's death was first publicly fixed and declared by the Grand Remonstrance. The Debates respecting it are the commencement of the struggle which divided into two hostile camps the very party heretofore impregnable in their unity and strength, and which directly brought on the war. It is natural, therefore, that the author of the *History of the Rebellion* should nowhere affect more particularity of detail than in describing the various incidents and circumstances of the discussion relating to it. It was, indeed, to the party of which he then first assumed the lead in the House, as to their opponents, the critical moment of their career. It was, to both, the turning point of all they had done heretofore, or might hope to do hereafter. Falkland told his friend Hyde, that, as he and Cromwell left

the house together immediately after the last division, the member for Cambridge said to him, that, if it had gone against them in that vote, he and many other honest men he knew would have sold all they had the next morning, and never have seen England more; and, without too readily accepting this anecdote, or thinking "the poor kingdom," as Mr. Hyde phrases it, to have been half so near to its deliverance in that particular as he affects to believe, it would be impossible to overstate the gravity, to both parties, of the issue depending on the vote which had just been taken.

said to Falkland.

Alleged narrow escape for Charles.

Immediately after the execution of Strafford, which Hyde and his associates, as we have thus seen, helped more largely than any other section of the House to accomplish, they began steadily and secretly to employ every artifice, and all the advantages which their position in the Commons gave them, to bring about a reaction favourable to the King. The one formidable obstacle had been removed, by Strafford's death, to their own entry into Charles's counsels; and without further guarantees for the security of any one concession they had wrested from the Crown, they were prepared to halt where they stood, or even (as in the case of the Episcopacy Bill) to recede from ground they had taken up.\* Nor was

Hyde's new policy.

Reaction for the King.

\* Richard Baxter (*Reliq. Baxt.* 19) has attributed "the first breach among themselves" to the desire on the part of "Lord Falkland, the Lord Digby, and divers other able men," to gratify the King "by sparing Strafford's life." But Baxter wrote long after the event, and was very imperfectly informed. Neither Falkland nor Hyde had at any time a friendly feeling to Lord Digby, and though a difference

Mistake of Richard Baxter.

Chances  
of success.

it to be doubted that the plan had some chances of success, in the particular time when it was tried. From the moment the Impeachment was carried against Strafford, those old relative positions of King and House of Commons, which in the memory of living men, had existed as if unchangeably, were suddenly reversed. There was not a Parliament in the preceding reign that James had not lectured, as a schoolmaster his refractory pupils; nor any in the existing reign that Charles had not bullied, as a tyrant his refractory slaves. But this was gone. The King was now, to all appearance, the weaker party, and the House of Commons was the stronger; and how readily sympathy is attracted to those who are weak, however much in the wrong, and how apt to fall away from the strong, however clearly in the right, it does not need to say. The popular leaders became conscious of daily defections from their ranks; the House of Lords unexpectedly deserted them, on questions in which they had embarked in unison; the Army was entirely unsafe; and opinions began to be busily put about, that enough had

Old positions  
reversed.

Daily  
defections  
from  
Popular  
ranks.

Only law-  
yers se-  
ceded on  
the At-  
tainer.

no doubt arose as to the Bill of Attainder, the principal seceders who went with Digby on that question were lawyers, such as Selden, Holborne, and Bridgman, who went with him on no other; and undoubtedly the men who took afterwards the lead in forming a king's party, such as Falkland and Culpeper (whom Selden refused to join), had taken the lead in promoting the Bill of Attainder. The evidence adduced in the preceding section shows that when the liberal leaders, who to this hour are supposed to have originated and most hotly urged forward the Bill, were in reality opposing it, and bent only on continuing and closing by way of Impeachment, Culpeper and Falkland strenuously advocated the procedure by Bill.

been conceded by the King, and that the demand for more would be ungenerous.

Never had a great cause been in peril more extreme. For most thoroughly was the character of their adversary known to its chiefs, and that not a single measure of redress had been extorted from him which was not yielded in the secret hope of finding early occasion to reclaim it. It was notorious that Charles the First entertained a belief of the invalidity of the most important of the measures already passed by the Long Parliament, on the ground that his own assent, having been given by compulsion, was *ipso facto* void. His Attorney-General had encouraged him in this notion;\* and Hyde himself cannot help condemning the facility with which he assented to acts requiring grave deliberation, in reliance on this dangerous opinion that the violence and force used in procuring them rendered them absolutely invalid and void. This, says Hyde,† made the confirmation less considered, as not being of strength to make that act good which was in itself null. One of those great acts indeed could not so be dealt with. Strafford could not be raised from the dead, and therefore only had the concession in his case been obtained with greater difficulty than in the rest. Now, everything promised fairly for a resumption of all else. The Army had been widely tampered with; to save the bishops and their bishopricks, the Universities were moving

Character of the King.

His view as to invalidity of Statutes.

Assenting with purpose to revoke.

Hyde's complaint.

Sources of danger to Parliament.

\* Clarendon: *Life and Continuation*, i. 206-211.

† *Hist.* ii. 252.



Signs of wavering. heaven and earth ;\* reliance could no longer be placed upon the Lords ; concurrently with many signs of treachery among the Commons themselves, in which Mr. Edward Hyde notably took part, were seen evidences elsewhere dangerous of the return of an unreasoning confidence in the King ; even in the City, the stronghold of liberal councils, a prominent royalist had been able to carry his election as lord mayor ; and the patriots could not hope that their power, or their opportunities, would survive any real abatement of zeal or enthusiasm in the people. It is more wearing to the patience to wait for the redress that is really near, than for what is wholly uncertain and remote ; and those who had bravely and silently endured the wrongs of fifteen years without a parliament, were ready to resent a delay of half as many months in the reliefs which parliament had promised them.† What Charles gained by

Abatement of popular enthusiasm.

The clergy and universities. \* " Bishops had been much lifted at," says May (lib. i. cap. ix), " though not yet taken away, whereby a great party whose livelihood and fortunes depended on them, and far more whose hopes of preferment looked that way (most of the Clergy, and both the Universities), began to be daily more disaffected to the Parliament ; complaining that all rewards of learning would be taken away. Which wrought deeply in the hearts of the young and most ambitious of that coat."

Fickleness of the people. † This point is admirably touched by the historian May. " Some are taken off" (weaned from Parliament, he means) " by time and their own inconstancy, when they have looked for quicker redress of grievances than the great concurrence of so many weighty businesses can possibly admit in a long discontinued and reforming Parliament, how industrious soever they be, distracted with so great a variety. Those people, after some time spent, grew weary again of what before they had so long wished to see ; not considering that

secrecy, the popular leaders lost. It was impossible that they should make public all the reasons and motives for their proceedings, while yet such enforced concealment on their part told strongly to the advantage of the King. If ever warning for future guidance were needed, the time for it was now come; and there was nevertheless no way, consistent with safety, of showing the people in whose cause they were labouring, the present perils and pitfalls that beset them, without turning frankly and boldly to the lessons of the past. With even so much semblance of amended administration, and such pretences of half popular measures, as the ingenuity of Hyde could furnish (if Charles could be brought to concede only so much), there was yet the means, in the absence of that indispensable warning against reposing confidence in the sovereign, of striking a heavy blow for recovery of the old prerogative. Nor were nearer dangers wanting. Pym's life had been aimed at repeatedly; and more than one attempt had been tried to overawe deliberation by the display of force.

Charles's advantages.

A warning needed.

Threatenings of force.

“ a prince, if he be averse from such a Parliament, can find power enough to retard their proceedings, and keep off for a long time the cure of the State. When that happens, the people, tired with expectation of such a cure, do usually by degrees forget the sharpness of those diseases which before required it; or else—in the redressing of so many and long disorders, and to secure them for the future, there being for the most part a necessity of laying heavy taxes, and draining of much money from the people—they grow extremely sensible of that present smart; feeling more pain by the cure, for a time, than they did by the lingering disease before; and not considering that the causes of all which they now endure were precedent, and their present suffering is for their future security.” Lib. i. cap. ix. 115.

Impatience of waiting.

Cure more painful than disease.

Freedom  
or def-  
potism ?

Something was in peril beyond the abstract freedom of parliament or debate; nor was it more to secure the permanence of provisions already achieved for the public liberty, than to guard against sudden substitution of a naked despotism, that the parliamentary chiefs were now called to assert and defend their position, or to abandon it for ever.

Resolu-  
tion to  
appeal  
to the  
People.

They were not men to hesitate, and they resolved upon an Appeal to the People in a more direct form than had ever yet been attempted. Within a week after the House

Origin  
of the  
"Remon-  
strance."

first met in November, a committee had been moved for by Lord Digby, in a most passionate speech, to "draw up such a Remonstrance to the King as should be a faithful and lively representation of the deplorable state of the kingdom, and such as might discover the pernicious authors of it;" and the proposal had been adopted in a modified and more moderate form, wherein it will be found on the Journals (ii. 25), of "some such way of Declaration as may be a faithful representation to *this House* of the estate of the kingdom;" all the leading men of the house being members of the committee, and Lord Digby its chairman. This design, superseded for the time by matters of more pressing moment, and whose originator had in the interval become the hottest partizan of the King, was revived in the summer. Charles received warning of it before he departed for Scotland, on that mission which has since been shown to have had no object so eagerly desired as to gather supposed proofs on which to build

First  
moved by  
Lord  
Digby.

The King  
receives  
warning :

of the King, was revived in the summer. Charles received warning of it before he departed for Scotland, on that mission which has since been shown to have had no object so eagerly desired as to gather supposed proofs on which to build

a charge of treason against Pym and Hampden, and such accessions from the undisciplined Scotch army to the conspirators of the army of the North as to render safe the prosecution of such a charge. Bishop Williams, for purposes of his own, had intercourse with a servant of Pym's, and did not scruple to tell the King how that he had learned, from this worthy, what had been going on in his master's house. Some of the Commons were preparing a Declaration to make the actions of his Majesty's government odious, and he had better try to conciliate them before he went. The King was as ready to accept the suggestion as the wily prelate to offer it, and negotiations were opened for a revival of the scheme of giving office to the leaders of the popular party, set on foot a few months before. What had then for its object to save Strafford's life was now designed to save the King, by giving him time to ruin the very men he was meanwhile to invite to serve him.

on eve of  
journey to  
Scotland.

Bishop  
Williams  
advices  
conciliation.

King con-  
sents.

The continued hostility of Pym and Hampden to the Scottish visit, and their calm determination to bring forward the Remonstrance, baffled the plan. There can be no doubt that for a time the Court party believed their opponents to be on the point of taking office. The rumour first went that Hampden was to be Secretary of State. Then it was announced, with more confidence, and by no less a person than Mr. Nicholas, so soon himself to assume that high office and who meanwhile was exercising its functions, that the seals were to be taken by Denzil Hollis, that Hampden was

Scheme  
baffled.

Intended  
distribution  
of  
offices.

Friday,  
30th of  
July :

New  
Ministry  
expected.

Saturday,  
7th Aug :

Remonstrance  
formally  
brought  
forward.

Excite-  
ment as  
to Scotch  
journey.

to be Chancellor of the Duchy, that Lord Say and Seale was to be Lord Treasurer, and, as in all the previous proposed arrangements, that Pym was to be Chancellor of the Exchequer. The date of the letter in which such intended distribution of the offices is mentioned by Nicholas is the 29th of July; and on the day following, an Under Secretary in his department writes to a friend that Mr. Treasurer has warned him to be in readiness for the expected change.\* Nevertheless it came to nothing. Within the next seven days, the differences between the King and the leaders of the majority in the House had deepened; in the teeth of all their representations, instant departure for Scotland was persisted in, and the proposition for a viceroy during the royal absence overruled; and on the first Saturday in August a portion of the King's retinue had already set forth upon the journey, while the House were still in the midst of a confused debate which lasted till nearly midnight, and in the course of which had been brought forward the subject of "A REMONSTRANCE to be made, how wee found the Kingdome and the Church, and how the state of it now stands."†

\* I have printed these various letters, from MSS. in the State Paper Office, in my *Arrest of the Five Members*, § v.

† I quote Sir Ralph Verney's *Notes of the Long Parliament* (p. 113): Saturday, 7th August, 1641. It occurs after allusion to the fact of an extraordinary sitting of the House having been appointed for the following (Sunday) morning, and after mention made of an order taken for a "peremptory" call of the House on the next Wednesday "in regard of the great and weighty affaires that import the safety of the kingdome." All these are indications of the great apprehension prevailing at the moment as to the King's obstinate persistence in going to Scotland. And on this Saturday, as I remark in the text,

All the pains and labour of the intriguing Bishop, therefore, might clearly have been spared. He needed not to have bribed Mr. Pym's servant, nor was it necessary to have set on his master to bribe Mr. Pym himself. The Declaration, or, as Lord Digby had suggested it should be called, the Remonstrance, appears to have been revived openly, and direction given that it should take its place among the orders of the House, as part of the business of the session remaining to be done. Portions of it certainly came under discussion before the members rose for the recess; and we have evidence that after the King's departure, amid the excitements of the inquiry into the army plot, the committee to whom it had been referred had it under deliberation as "the Remonstrance of the state of the Kingdom and the Church."\* What its promoters prudently concealed, or, to speak perhaps more correctly, had not yet finally settled, was the particular manner in which they proposed to make use of it.

Bishop Williams's labour lost.

Remonstrance openly discussed.

The King quitted London on Monday the 9th August; with what hopes of returning, after his absence, better able to cope with his antagonists in the Houses, an anecdote related by Mr. Hyde may in some degree enable us to judge. He describes † the surprise with which, some little time before, he had received an invitation to wait privately on the King; how he had supposed it was some mistake,

King quits London: 9th August.

Hyde's previous interview.

both Houses sat until after 10 at night, unable to settle upon any satisfactory course.

\* So styled in the Commons' Journals (ii. 234).

† In his *Life and Continuation*, i. 92-93.

Why  
Charles  
was grate-  
ful to him.

His service  
against  
Episco-  
pacy Bill.

Engage-  
ment to  
defeat it.

“ for that he had not the honour to be known  
 “ to the King, and that there was another of the  
 “ same name, of the House ;” but how that it  
 proved to be no mistake, and he accordingly  
 saw the King alone in the “ square room ” at  
 Whitehall. On which occasion his Majesty told  
 him “ that he heard from all hands how much  
 “ he was beholden to him ; and that when all  
 “ his servants in the House of Commons  
 “ either neglected his service, or could not  
 “ appear usefully in it, he took all occasions  
 “ to do him service ; for which he thought fit  
 “ to give him his own thanks, and to assure  
 “ him that he would remember it to his  
 “ advantage.” For his affection to the Church  
 in particular, Mr. Hyde proceeds to tell us,  
 his Majesty thanked him more than for all the  
 rest ; and then he discoursed of what he called  
 the passion of the House, and of the bill lately  
 brought in against Episcopacy, and asked  
 Hyde whether he thought they would be able  
 to carry it, to which the other answered he  
 believed they could not, at least that it would be  
 very long first. “ Nay,” replied Charles, “ If  
 “ you will look to it that they do not carry it  
 “ before I go to Scotland, which will be at  
 “ such a time, when the armies shall be dis-  
 “ banded, *I will undertake for the Church after*  
 “ *that time.*”

Plainly one great hope on which Charles  
 built in this expedition to his Northern  
 dominions, was, by means of personal inter-  
 course on his way with the mutinous Northern  
 army, and by similar influences exerted in  
 Edinburgh over the leaders of the yet undif-

banded Scottish force, to be able to achieve some plan for getting certain regiments into the south with a view to his design against the Parliament itself in the persons of its leading members. Does your Majesty say, then, exclaimed Hyde, that you can undertake for the Church *after your return*? “Why, then, “by the Grace of God, it will not be in much “danger.” What Mr. Hyde meant by this will soon more fully appear.

Hopes from the Scottish Journey.

Hyde's promise.

§ VI. REASSEMBLING OF PARLIAMENT :  
OCTOBER, 1641.

THE parliamentary recess, during which Pym sat as chairman of a committee having absolute powers to conduct business in the interval, lasted from the 9th of September, when the House had not risen until nine o'clock at night, to the morning of the 20th of October. On that day the members reassembled; but great gaps were seen in their ranks, and it became obvious, as week followed week without supplying these deficiencies, that the average of attendance had considerably diminished. Lord Clarendon, though he hesitates expressly to say so, would have us assume that the King's party suffered most by this falling off; but the assumption is hardly reconcilable with the strenuous exertions of the patriots to compel a more full attendance. It appears from the D'Ewes manuscript that Strode went even so far, some two months after the recess, as to propose to fine a member £50, or expel him, if he persisted in absence without leave;

20th of October, 1641. Houses meet.

Defaulters from the Commons.

Strode's proposition against the absent



without  
leave.

Liberal  
party  
weakened.

Forebod-  
ings com-  
ing true.

Report  
from the  
Recefs  
Com-  
mittee.

and when suggestion was made on the King's behalf from Edinburgh, for the issue of a proclamation requiring full attendance of all the members of the House, the Lord Keeper and Chief Justice Bankes were against it, as unseasonable. The truth seems to have been, that the defection comprised generally the class of not very settled opinions which had hitherto sided mostly with the strongest; and that its manifestation at this critical time, bringing new proof of influences at work as well within as without the House, to weaken the power of its leaders, furnished also a more complete justification, if that were needed, of the course on which they had resolved.

Nor had they assembled many hours before darker warnings gathered in upon them. The Scottish journey had borne its fruits. The entire disbanding of the Northern army at the time appointed had been intercepted by the King's order, under the hand of Vane; there had been communications with it, during the King's progress to Edinburgh; and the intrigues in Edinburgh itself had been so far partially successful, that a schism had been effected among the leaders of the Covenant of a character precisely similar to that which Hyde had undertaken for England. It was Pym's duty now, as chairman of the committee appointed to sit during the recess, after narrating the discovery of Goring's plot, to place before the Commons certain evidences existing of another widely spread army conspiracy in England, of the weight or importance to be attached to which, and of its possible

connection with matters then transpiring in Scotland, the House would judge. Falkland and Hyde attempted to turn the debate into another direction, and the result was still doubtful when Pym, in the midst of the fitting, produced letters which the committee had received from Hampden. Hampden was still in Edinburgh, nominally (with Fiennes and Stapleton) as a commissioner on the Scotch debt, but really to watch the King's proceedings there; and the letters now handed in from the member for Bucks, and which had reached the committee by an express, detailed the scheme just discovered at Edinburgh for the assassination of the leaders of the Covenant.\* The entire contents of these letters

Another plot.

Letters produced from Hampden.

The "Incident."

\* Clarendon says explicitly that Montrose, while professing to be able to satisfy the King of the treason of Argyle and the Hamiltons, advised the more certain and expeditious mode of disposing of them by assassination, which he "frankly undertook to do" (*Hist.* ii. 17). The noble historian adds that the King "abhorred that expedient," but unhappily even he is not able to deny that the King continued his regard and confidence to the man who (as at any rate he appears himself to have believed, at the close of his life, when the best opportunities had meanwhile presented themselves for maturing his knowledge and judgment of the facts) had actually suggested assassination. The subject is further pursued in my *Arrest of the Five Members*, § xxviii. From the manuscript records of these proceedings of the Long Parliament which are before me as I write, I find that Pym, as early as ten days after the present date, namely, on the 30th October, appears to have been thoroughly conscious of what had been going on in Edinburgh. In the course of the more elaborate statement he then gave of the circumstances (adverted to in his speech ten days before) of "a new design now lately, again to make use of the army against us," he has occasion to advert also to the fact that "secret forces were ready in some places, and secret meetings had been in Hampshire by sundry great recusants;" and with this he couples a warning "that the Prince" (afterwards Charles II.) "who was appointed to be at Richmond, was often at Oatlands with

Charge against Montrose.

30th October. Pym's speech on Army designs.

Hyde and  
Falkland  
outvoted.

Pym's re-  
solutions  
carried.

were not divulged: but, on the further statement then made by Pym, a proposition by Hyde (which Falkland supported) for leaving the business of Scotland to the Parliament there, and passing to consideration of the pay of the five undisciplined troops of the Northern army, was strenuously resisted, and at last successfully. Then, upon the motion of Sir Benjamin Rudyard supported by Sir Walter Earle and others, among whom Sir Simonds D'Ewes distinguished himself by a highly metaphorical and ingenious address in which he enlarged upon a wholesome barbarous custom prevailing in Africa of hanging up one Lion to scare the rest, resolutions were passed for immediate conference with the Lords on the safety of the parliament and kingdom; instructions were given for occupation, with a strong force, of all the military posts of the city; the trained-bands of London were ordered up to guard the two Houses by night as well as by day; and these troops, with the similar force enrolled in Westminster, were subsequently turned into a regular parliamentary guard acting under direction of the Earl of Essex. All this had passed during the day of the 20th of October; and in the evening, Edward Nicholas,\* already named as so soon

Con-  
spiracy  
tracked  
out.

Character

“the Queen, and away from the Marquis of Hertford his Governor, for whom there were no convenient lodgings at Oatlands.” Then, after a certain break, these remarkable words follow: “*That he feared the conspiracy went round, and was in Scotland as well as England.*”

\* An able and a moderate man, who served his master faithfully, and (rarest of qualities in a King's servant then) not unwisely. Clarendon describes him, in one of the suppressed passages of his History, as “one of the Clerks of the

to be knighted and made Secretary of State in place of Windebank, and who now sat for Newton in Hants, keeping the signet during Charles's absence in Edinburgh, wrote to the King that some well-affected parliament men had been with him that day in great trouble, in consequence of news from Scotland, and that he had not been able to calm their anxiety.\* As the days passed on, and new light was thrown on the equivocal position of the King with the promoters of the league against Argyle and the Hamiltons, this cause for trouble to the "well-affected" did not diminish. In a second letter, his Majesty is told how much his servants in the House are disheartened to be kept so long in darkness. In a third, he has further notification of the great pain which is caused by his silence. Nevertheless, that most significant silence continued.

Alarm of  
Secretary  
Nicholas.

King's  
friends  
disheart-  
ened.

Hampden followed soon after his letters, leaving his fellow-commissioners † in Edinburgh, and arrived in London while the newly introduced bill to take away the bishops' votes in the other House was under discussion.

Arrival of  
Hampden.

"Council, who had been Secretary to the Duke of Buckingham for the Maritime Affairs, a man of good experience, and of a very good reputation" (ii. 600). The King made him Secretary of State as soon as he returned from Scotland. See Clarendon's *Life*, i. 94.

\* "The next day after the receipt of the letters," says Indirect Clarendon (ii. 579), "the Earls of Essex and Holland sadly ways of told me, that I might clearly discern the indirect way of the Court. "the Court, and how odious all honest men grew to them."

† The Hon. Nathaniel Fiennes, Lord Say and Seale's second son, member for Banbury; and Sir Philip Stapleton, member for Boroughbridge.

Bishop's  
Bill under  
discussion.

Hyde had kept faithfully his promise to the King. Upon this bill being reproduced, Falkland rose, and, to the general amazement, retracted the views he had formerly been so deeply pledged to, and declared his determination to vote against it. D'Ewes, and other staunch holders of Puritan opinions, appear to have been completely unprepared for this demonstration; but very speedily others joined in it, among whom Sir Edward Dering, the member for Kent, notably distinguished himself. Thus Hyde's scheme was thriving; and the well-affected Parliament-men, as Secretary Nicholas calls them, were now acting as a compact body, and not scrupling to avow the new tactics that governed them. "I am sorry,"

Speakers  
for and  
against.

Hampden's  
surprise.

said Hampden, "to find a noble lord has changed his opinion since the time the last bill to this purpose passed the House; for he then thought it a good bill, but now he thinketh this an ill one." "Truly," replied Lord Falkland, "I was persuaded at that time, by the worthy gentleman who hath spoken, to believe many things which I have since found to be untrue; and, therefore, I have changed my opinion in many particulars, as well as to things as persons." It was the first frank bold announcement of the rupture in the Parliamentary party, and it may be interesting to pause and consider the character of the man from whom it came.

Falkland's  
avowal.

§ VII. LORD FALKLAND.

THE sudden and impetuous break-off from the party with whom he had acted so zealously in matters requiring no common nerve and resolution, characteristic as it was of the real Falkland, jars with the popular impressions that arise at mention of his name. But merely to compare it with the course we have seen him adopt upon such questions as Strafford's Attainder, may well suggest some doubt as to the entire correctness of the estimates ordinarily formed of the political character and opinions of this celebrated man. He is generally assumed to have been the incarnation of moderate and temperate counsels. It is but a few years since his example was publicly pleaded by a first minister of the Crown to justify the sincerity with which he might be prosecuting a war in the midst of continual protestations of a desire for peace. We were asked to remember that the most virtuous and self-restrained character in our great rebellion, and the man most devoted to the Royalist cause, still murmured and "ingeminated" *peace, peace*, even whilst arming for the combat. But the allusion was unfortunate in turning wholly on that alleged circumstance in Falkland's career which is most capable of clear disproof. He was by no means devoted to the cause he fought for; and he cried out *peace, peace*, solely because he detested the war.

Beliefs as to Falkland's character.

Supposed type of moderation.

No doubt, however, he is the man of all others of our civil conflict who is most generally supposed to have represented therein the

Errors and misjudgments.

monarchical principle; and upon this ground his statue was among those voted earliest for the historical adornment of the new Palace at Westminster. But the real truth is, that Falkland was far more of an apostate than Strafford, for his heart was really with the Parliament from the first, which Strafford's never was; and never, to the very end, did he sincerely embrace the cause with which his gallant and mournful death at the age of thirty-four\* has eternally connected him. I have no wish to say anything to unsettle the admiring thoughts which must always cluster round the memory of one whom Lord Clarendon has celebrated not simply as a statesman and soldier, but as a patriot, poet,† and philoso-

Never  
zealous for  
the King.

Tribute  
by Hyde.

\* "Thus fell that incomparable young man, in the four-and-thirtieth year of his age, having so much dispatched the business of life, that the oldest rarely attain to that immense knowledge, and the youngest enter not into the world with more innocence. Whosoever leads such a life, need not care upon how short a warning it be taken from him." *Hist.* iv. 257. For "need not care" the first editors had substituted "needs be the less anxious."

Gratitude  
of the  
Poets to  
Falkland.

† To the gratitude of the poets themselves,—to the eternal remembrance with which such men as Ben Jonson, Suckling, Waller, and Cowley, can pay richly back in their loving verse all kinds and degrees of loving service,—Falkland rather owes his title than to any achievements of his own. But there are yet a sufficient number of good lines in his occasional poetical pieces to justify Suckling's having placed him in his *Session of the Poets*. There are many manly verses in his *Eclogue on Jonson's death*.

His  
Eclogue  
on  
Jonson's  
death.

"Alas! that bard, that glorious bard is dead,  
Who, when I whilome cities visited,  
Hath made them seem but hours which were full days,  
Whilst he vouchsafed me his harmonious lays;  
And when I lived, I thought the country then  
A torture; and no mansion, but a den."

Falkland puts this into the mouth of Hylas, and it may

pher, in sentences that will be immortal. But it is impossible to become familiar with the details of this period of our history, and with

remind us of what Clarendon says of the writer's own passionate fondness for London. Melybœus rejoins :

“ Jonson you mean, unless I much do err  
I know the person by the character.”

The same speaker continues :

“ His learning such, no author, old or new,  
Escaped his reading that deserv'd his view,  
And such his judgment, so exact his test  
Of what was best in books, as what books best,  
That, had he joined those notes his labours took  
From each most praised and praise-deserving book,  
And could the world of that choice treasure boast,  
It need not care though all the rest were lost.”

On Jon-  
son's  
learning.

Of his great art he then speaks, so that what he pleased to write—

His  
vogue in  
theatres.

“ Gave the wise wonder and the crowd delight.  
Each sort as well as sex admir'd his wit,  
The hes and shes, the boxes and the pit ;  
And who less liked, within did rather chuse  
To tax their judgments than suspect his muse.  
Nor no spectator his chaste stage could call  
The cause of any crime of his, but all  
With thoughts and wills purg'd and amended rise  
From the ethick lectures of his Comedies :  
Where the spectators act, and the sham'd Age  
Blushes to meet her follies on the stage ;  
Where each man finds some light he never sought,  
And leaves behind some vanity he brought.  
Whose Politicks no less the mind direct  
Than those the Manners, nor with less effect,  
When his majestic Tragedies relate  
All the disorders of a tottering state.” . . .

It was to be remembered also, Melybœus adds, that of all this old Ben was himself “ sole workman and sole architect,” as to which he concludes :

His self-  
raised  
fortune.

“ And surely what my friend did daily tell,  
If he but acted his own part as well  
As he writ those of others, he may boast  
The happy fields hold not a happier ghost !”

These are not only good lines, but very valuable personal notices of rare old Jonson.



Opinions held by Falkland: Falkland's share in what preceded the Debates on the Remonstrance, and to doubt in what spirit alone he could have taken the part which he subsequently played. Over and over again does Clarendon himself find it necessary to remark of him, that he never had any veneration for the Court, but only such a loyalty to the King as the law required from him; and as often is he constrained to admit, on the other hand, that he had naturally a wonderful reverence for Parliaments, as believing them most solicitous for justice, the violation whereof, in the least degree, he could not forgive *any mortal power*.\*

as to Court and Parliament.

Influence of Hyde.

Faith of the old Cavalier.

But the friend who has done so much to preserve and endear his fame since his death, had unhappily influence enough, while he lived, to lead him into a position which made the exact reverse of those opinions an official necessity; and Falkland was eminently a man who, finding himself so placed, however unexpectedly, was ready to sacrifice everything to the punctilio of honour. In his opinions, if not in his personal antecedents, he was like the old cavalier Sir Edmund Verney, whose doubts were expressed to Hyde, the tempter of all these men. "I have eaten the King's bread, and served him near thirty years, and I will not do so base a thing as forsake him. I choose rather to lose my life (which I am sure I shall do) to preserve and defend those

\* This passage is of course meant to convey, as Bishop Warburton has remarked, that Falkland thought resistance lawful, which Hyde himself did not. And the same feeling is expressed in other passages, as ii. 94; iv. 244, &c.

“ things which are against my conscience to  
 “ preserve and defend ; for, I will deal freely  
 “ with you, I have no reverence for the  
 “ bishops for whom this quarrel subsists.”

There was only this important difference in Falkland, that the bread which he had eaten, and the service to which he was vowed, before he made his final election, was that of the Parliament and not of the King. And it is not difficult to discern that his strongest feeling remained in this direction throughout : even when he seemed, as it will be my duty to show him in this party struggle of the Remonstrance, most deeply to have committed himself against its leaders. His convictions never

Sentiment  
not judgment.

ceased to be with the opinions which the Parliament represented, though his personal habits, his elegant pursuits, his fastidious tastes, his thorough-going sense of friendship, and even his shyness of manner and impatient impulsiveness of temper, made him an easy prey to the persuasive arts that seduced him to the service of the King. Nor will it be unjust to add that it is the admiration thus attracted to his personal character and habits, rather than any sense of his public services, which constitutes the interest of his name. It is not

Easy prey  
to Hyde's  
persua-  
sion.

therefore in parliament, nor on the field of battle, that they should seek for Falkland who would cherish him most, but rather in that private home to which his love and patronage of letters lent infinite graces and enjoyments, and where the man of wit and learning found himself invariably welcomed as to “ a college

Falkland's  
strong-  
hold.

“ situated in a purer air.”

View  
taken by  
Macaulay.

Lord Macaulay has remarked that he was too fastidious for public life, and never embarked in a cause that he did not speedily discover some reason for growing indifferent or hostile to.\* There is something in that; but we should prefer to say that his spirit in all things was too much on the surface—too quick, impetuous, and impatient; and hence both his strength in impulse, and his weakness in action. He carried about with him a painful sense of personal disadvantages which he was

Macaulay's  
*Essays*  
i. 160.

\* The subjoined passage is so happy a specimen of the manner of the writer, that I cannot resist appending it. "He did not perceive that in such times as those on which his lot had fallen, the duty of a statesman is to choose the better cause and to stand by it, in spite of those excels by which every cause, however good in itself, will be disgraced. The present evil always seemed to him the worst. He was always going backward and forward; but it should be remembered to his honour that it was always from the stronger to the weaker side that he deserted. While Charles was oppressing the people, Falkland was a resolute champion of liberty. He attacked Strafford. He even concurred in strong measures against Episcopacy. But the violence of his party annoyed him, and drove him to the other party, to be equally annoyed there. Dreading the success of the cause which he had espoused, disgusted by the courtiers of Oxford, as he had been disgusted by the patriots of Westminster, yet bound by honour not to abandon the cause for which he was in arms, he pined away, neglected his person, went about moaning for peace, and at last rushed desperately on death, as the best refuge in such miserable times. If he had lived through the scenes that followed, we have little doubt that he would have condemned himself to share the exile and beggary of the royal family; that he would then have returned to oppose all their measures; that he would have been sent to the Tower by the Commons as a stifer of the Popish Plot, and by the King as an accomplice in the Rye House Plot; and that if he had escaped being hanged, first by Scroggs, and then by Jefferies, he would, after manfully opposing James the Second through years of tyranny, have been seized with a fit of compassion at the very moment of the Revolution, have voted for a Regency, and died a Non-juror." (Ed. 1843.)

A public  
man unfit  
for public  
life.

What if  
he had  
lived to  
Revolution?

eager to overcome, and his very impetuosity was often but another form of shyness. But to whatever cause attributable, it is certain that what he would do in public life, he was apt to overdo; and there cannot be a greater mistake than that which so often represents him, and which voted him the first statue among English worthies in the palace at Westminster, as the incarnate spirit of the moderation of our struggle in the seventeenth century. His temperament had in it as little as possible of calmness or moderation. He fought a duel before he was nineteen; and while yet in his minority, he had defied his father's authority and made a runaway match. What his friend Hyde calls a "notable vivacity" was always expressing itself in him, by words or deeds; whether the matter was great enough to impel him suddenly into the allegiance for which he died, or only small enough to bring down "his clasped hands tightly on the crown of his hat" where another man would have thought it enough quietly to sit covered. Mentioning a vote of the Commons for some certain special service, by which the Speaker was instructed in the name of the whole House to give thanks to him who had rendered it, and every member was also desired as a testimony of his particular acknowledgment "to stir or move his hat," Hyde tells us that, believing the service itself not to be of that moment, and that an honourable and generous person would not have stooped to it for any recompense, "instead of moving his hat, *he stretched both his arms out and clasped his hands together*"

Objections  
thereto.

Excita-  
bility of  
temper.

Anecdote  
by Claren-  
don.

Emphasis  
overdone.

“ upon the crown of his hat, and held it close  
 “ down to his head, that all men might see  
 “ how odious that flattery was to him, and  
 “ the very approbation of the person though  
 “ at that time most popular.” The action  
 might for once have excused the strange desire  
 of the privy councillor before named, to  
 compare his countrymen in these wars to very  
 different actors in a very different revolution.  
 “ Firm as the hat of Servandony !” shouted  
 Danton, with happy allusion to one of the  
 towers of St. Sulpice so named, as he crushed  
 down and held his hat immovably over his  
 great broad face, when threatened with chastise-  
 ment if he would not uncover while he sat in  
 the pit of the Français on the eve of the  
 Convocation of the States-General. And  
 certainly, however unlike the men, a sudden,  
 indignant, too impatient spirit, was common  
 to both. It largely contributed to what was  
 right as well as to what was wrong in Falkland,  
 and might equally have justified his selection  
 as the representative, not of the moderation of  
 the struggle, but of either of its extremes.  
 The artist who received the commission for  
 his statue might have sculptured him as on  
 the 8th of February (1640-1), the vehement  
 assailant of the Bishops, or as on the 25th of  
 October (1641), the vehement supporter of  
 the Church. He might have been taken in  
 1640 as eager for Strafford’s life, as in 1643  
 he had become reckless of his own in the same  
 ill-fated service as Strafford’s.

Similar  
 trait of  
 Danton.

Strange  
 refer-  
 ences.

Stranger  
 contrasts.

Very certain it is, at any rate, that he is the  
 last person to take for a model of devotion to

the cause he was last engaged in. Hyde expressly tells us that "from the entrance into this unnatural war his natural cheerfulness and vivacity grew clouded;" that only "when there was any overture or hope of peace, he would be more erect and vigorous;" and that such, in short, was his friend's dislike of the war that he invited and sought death merely to get himself fairly out of it. Before war was actually entered on, indeed, we have proof that this dejection and sadness of spirit had stolen upon him. When, for instance, on the 5th of September, 1642, he delivered to the House of Commons, as minister to the King, the last message sent by Charles to the representatives of his people, he is described in the Manuscript Journal of D'Ewes, who witnessed the scene, to have stood bareheaded at the bar, even as Culpeper had stood but ten days before, looking so dejectedly as if he had been a delinquent rather than a member of the parliament, a privy councillor, and messenger from the King. Was he thinking, then, of that old reverence he bore to Parliaments, inasmuch that he thought it really impossible they could ever produce mischief or inconvenience to the kingdom, or that the kingdom could be tolerably happy in the intermission of them? \* As he surveyed the old familiar benches, was he sorrowful with the sad misgiving that he had elsewhere now transferred his allegiance, and that it was no longer permitted him to hold the exalted opinion he once held

Dislike of the war.

Last appearance in House of Commons.

More like delinquent than Minister.

Regret or self-reproach?

\* Clarendon, *Hist.* iv. 244.

of the uprightness and integrity of the leading men who sat there, especially of Mr. Hampden? \*

Falkland's nobler qualities.

Services to men of wit.

But whatever such doubts or self-questionings may have been, they need not now overshadow or cloud a memory that Englishmen of all opinions may well be proud to cherish. If we desire to reclaim Falkland to the Parliament, it is that we would gladly, for ourselves, associate with that side in the struggle those prodigious parts of learning and knowledge, that inimitable sweetness and delight in conversation, that flowing and obliging humanity and goodness to mankind, that primitive simplicity and integrity of life. But it is doubtless the wiser course to separate from all mere party associations such qualities as these, and rather to think of them as vouchsafed to sustain and sweeten our common nature under all its conditions of contest and trial. He asked no man's opinion, says Clarendon, whom he desired to serve; it was enough that he found a man of wit, family, or good parts, clouded with poverty or want; and such was his generosity and bounty for all worthy persons of that kind needing supplies and encouragement (whose fortunes required, and whose spirits made them superior to, ordinary obligations), †

Hyde's happy eulogy.

\* *Hist.* iv. 245.

† "As," Clarendon takes occasion to say (*Life*, i. 46), "Ben Jonson, and many others of that time." "Which yet," he adds, "they were contented to receive from him, because his bounties were so generously distributed, and so much without vanity and ostentation, that, except from those few persons from whom he sometimes received the character of fit object for his benefits, or whom he intrusted for the more secret deriving them to them, he did all he

that he seemed to have his estate in trust for such alone. To that generous home which he kept open to his friends near Oxford, no man had to pay toll or tax of opinion at entering.\* There, without question asked, men of all opinions in Church and State assembled; finding in their host such an immensity of wit and such a solidity of judgment, so infinite a fancy bound in by a most logical ratiocination, such a vast knowledge that he was not ignorant in anything, with such an excessive humility as if he had known nothing, that the place was

Open house at Oxford:

to men of all opinions.

“could that the persons themselves who received them should not know from what fountain they flowed; and when that could not be concealed, he sustained any acknowledgment from the persons obliged with so much trouble and bashfulness, that they might well perceive, that he was even ashamed of the little he had given, and to receive so large a recompense for it.”

Exquisite delicacy.

\* “Who all found their lodgings there,” says Clarendon, “as ready as in the colleges; nor did the lord of the house know of their coming or going, nor who were in his house, till he came to dinner, or supper, where all still met: otherwise there was no troublesome ceremony or constraint, to forbid men to come to the house, or to make them weary of staying there; so that many came thither to study in a better air, finding all the books they could desire in his library, and all the persons together whose company they could wish, and not find in any other society.” *Life*, i. 48. In his history Clarendon adds that upon one subject only was Falkland intolerant in respect of those whom he received, and he attributes it to the fact that the Papists had corrupted his two younger brothers (his mother was a Catholic) “being intolerant both children, and stolen them from his house, and transported beyond seas;” and that they had also “perverted his sisters:” upon which occasion, Clarendon mentions, “he writ two large discourses against the principal positions of that religion, with that sharpness and style, and full weight of reason, that the Church is deprived of great jewels in the concealment of them, and that they are not published to the world.” *Hist.* iv. 244. Some curious letters having reference to these incidents in Falkland’s family will be found in the *Clarendon State Papers*, ii. 535—538.

Picture of Falkland’s house.

Intolerant only of rance.

Discourses against Popery.



A college to them as a college situated in a purer  
in purer air.\*

Three  
special  
character-  
istics ;

love of  
truth ;

hatred of  
spies ;

Were it possible that a time might come when all recollection should have passed away of the momentous quarrel in which Falkland threw down his life, those things might yet continue his name and memory with profit and advantage to all men. And even above them we would place the three particular characteristics which the affection of his friend cannot help recording, while he qualifies them as niceties with which he was reproached during life as unsuited to "the necessity and iniquity of the time." Holding, on the other hand, that were it only possible to find men pure enough to practise them, they would abate the necessity and iniquity of every time, I shall close the section by placing them on record here as the highest human eulogy to be pronounced on Falkland. The first was, that so severely did he adore truth that he could as easily have given himself leave to steal as to dissemble. In other words, to suffer any man to think that he would do anything which he was resolved not to do, he thought a far more mischievous kind of lying than any positive averring of what could easily be contradicted. The second was, that he would never give the remotest countenance or entertainment to the employing of spies. Such instruments, he held, must be so void of all ingenuoufness and common honesty before they could be of use, that afterwards they

\* Clarendon, *Hist.* iv. 243.

could never be fit to be credited; and he could account no single preservation to be worth so general a wound and corruption of human society as the cherishing such persons would carry with it. The third was, that he denounced ever with vehement indignation the liberty of opening private letters, upon suspicion that they might contain matter of dangerous consequence; thinking it such a violation of the law of nature that no qualification by office could justify a single person in the trespass.

reverence  
for private  
letters.

Such and so great that last particular trespass, indeed, that it may in some cases be a moot question whether any lapse of time absolves the responsibility of keeping private letters, which the writers of them never meant to be laid open, ever strictly and sacredly closed.

§ VIII. THE SECESSION AND ITS DANGERS.

THERE was certainly no kind of concealment or reserve, and no dissembling, in what Falkland told the House upon Hampden's return from Scotland. So far he showed the strength of his character even in a confession of the weakness of his conduct. He was no longer disposed to accept or act upon the counsels of the member for Buckinghamshire, and he avowed at once that, upon the question where they most widely diverged, he meant to follow Hyde's counsels. He had changed his opinion in many particulars, as well as to things as persons, and he chose frankly to say so. This was at least fair warning. On which-

Falkland's  
new  
leader:

not  
Hampden but  
Hyde.

Liberal  
phalanx  
broken  
up.

Its  
achievements.

Defertion  
by se-  
ceders :

A Judge  
arrested  
on the  
Bench.

ever side might be found to lie ultimately the right or the wrong, here was at any rate an end to that phalanx which had brought Strafford to the scaffold, lodged Laud in the Tower, and driven Finch and Windebank into exile ; which had condemned ship-money, impeached the judges who gave it their sanction, and dragged one of them in open court from the seat his injustice had polluted ; \* which had passed the triennial bill, and voted as unlawful every tax upon the subject imposed without consent of the House of Commons ; which had abolished all jurisdictions that reared themselves above the law ; and before whose unshrinking, compact array, alike the petty and the mighty instrument of wrong had fallen, the Stannary Courts and the Court of York, the Star Chamber and the High Commission. In not one of these retributive or reformatory acts, had the party of Hyde and Falkland wavered in the least : in many, they had outstripped even Denzil Hollis, Cromwell, Hampden, and Pym. But they now did not hesitate to give out, as in Falkland's reproach to Hampden, that unfounded inducements had been addressed to them ; and that this justified their instant

\* I quote from Whitelocke's *Memorials* (p. 40, Ed. 1732).  
 " February 13, 1640. Sir Robert Berkley, one of the Judges  
 " of the King's Bench, who gave his opinion for Ship money,  
 " was impeached by the Commons of High Treason, in the  
 " Lords' House, and, by their command, Maxwell, the Usher  
 " of the Black Rod, came to the King's Bench when the  
 " Judges were sitting, took Judge Berkley from off the Bench,  
 " and carried him away to prison, which struck a great terrour  
 " in the rest of his brethren then sitting in Westminster Hall,  
 " and in all his profession."

desertion, as well of the principles they had acted on, as of the men they so long had acted with. What the alleged misrepresentations were, has never been explained. But it is certain that not an attempt was made by them, before they passed into opposition against their old associates, to obtain a single security for the King's better faith as to any one transaction of the year during which they had ranked as his opponents. Still in all respects unaltered, save that Strafford stood no longer by his side, at least Charles the First cannot be accused of having tempted these men. Their names, and their exertions in debate, are submitted by Secretary Nicholas to his master, with a request for due encouragement to such service, in the very letters which bear evidence of Charles's continued hatred of the Cause of which they had been the defenders, and were now the betrayers. There is hardly an interchange of confidence at this date between Edinburgh and Whitehall, in which there is not either news of some fresh supposed danger to the parliamentary leaders, received with unconcealed satisfaction ; or the suggestion of some plot or intrigue against them, thrown out with eager hope. If they had flinched or wavered for a moment, all that they had gained must at once have passed from their keeping. Happily for their own fame, more happily for our peaceful enjoyment of the fruits of their desperate struggle, they stood quiet and undismayed under every danger and every form of temptation.

never  
accounted  
for.

The King  
unaltered.

Old cause  
still hate-  
ful to him.

Danger of  
losing all.

Some days before the reassembling of the Reappear-

ance of  
plague.

King's  
desire for  
adjourn-  
ment of  
Houses.

Pym's  
resistance.

Attempt  
on Pym's  
life.

Letter  
delivered

House, great sickness had broken out in London; the plague had reappeared in some quarters; and the occasion had been seized for an intrigue to stay the reassembling, or to procure at least an adjournment of place if not of time. It is a leading topic in several letters from Secretary Nicholas to the King. At first he is full of hope, describing the spread of the plague and the shutting up of infected houses around Westminster, and confidently anticipating that adjournment in some form must be resorted to, so rife and dangerous the sickness grows. But after three days he has to change his tone, and to tell the King that "Mr. Pym" and those of his party will not hear that parliament shall not be held, or shall meet anywhere but in London or Westminster. It met, as we have seen; and Mr. Pym, five days after the meeting, received very decisive intimation of the temper with which the King's partisans out of doors now regarded him.

He was sitting in his usual place, on the right hand beyond the members' gallery, near the bar, on the 25th of October, when, in the midst of debate on a proposition he had submitted for allowance of "powder and bullet" to the City Guard, a letter was brought to him. The Serjeant of the House had received it from a messenger at the door, to whom a gentleman on horseback in a grey coat had given it that morning on Fish-street-hill; with a gift of a shilling, and injunction to deliver it with great care and speed. As Pym opened the letter, something dropped out of it on the

floor ; but without giving heed to this he read to himself a few words, and then, holding up the paper, called out that it was a scandalous libel. Hereupon it was carried up to the lately-appointed Clerk's Assistant, Mr. John Rushworth, who, in his unmoved way, read aloud its abuse of the great leader of the House, and its asseveration that if he should escape the present attempt, the writer had a dagger prepared for him. At this point, however, young Mr. Rushworth would seem to have lost his coolness, for he read the next few lines in an agitated way. They explained what had dropped from the letter. It was a rag that had covered a plague-wound, sent in the hope that infection might by such means be borne to him who opened it. "Whereupon," says the eye-witness, from whose report the incident is now first related as it really happened, "the said clerk's assistant having read so far, threw down the letter into the house ; and so it was spurned away out of the door." Its threats, however, could not so be spurned away, and were not mere empty brutalities. Nicholas's report of it to the King was dated but a few days after the occurrence, yet, in the brief interval, not only had another attempt upon Pym's life been discovered, but a person mistaken for him had been stabbed in Westminster Hall. Charles made no comment on the particular subject reported upon by his correspondent. But, if so minded, his Majesty might have told him that he and his Queen had their plots also, against the foremost man of the parliament ; and that Pym's name, for purposes of

by the  
Serjeant.

Handed  
to Mr.  
Rush-  
worth.

Its con-  
tents.

Mr. Rush-  
worth's  
alarm.

Further  
attempts  
against  
Pym.

their own, was become a word of familiar found in their letters to each other.\*

His assailants in the House.

Pym had assailants in the House itself, too, more open, but hardly more honourable. The first direct result of the dark rumours from Scotland inculpating the King, was a proposition moved in the Commons for a vote affirming the King's right to nominate all officers, councillors, ambassadors, and ministers; but demanding that the power of approving them should in future rest with the parliament. It was brought forward by Mr.

Resolution moved:

Allusions to Pym in Queen's letters.

\* "I received yesterday a letter from Pym, by which he sends me word that he fears I am offended with him, because he has not had a letter from me for a long time. I beg you tell him that that is not the case, and that I am as much his friend as ever, but I have so much business, that I have not been able to write by express, and by the post it is not safe." So wrote Henrietta Maria to her husband the King; and the intention of course was to damage Pym, if possible, by letting such expressions, in themselves a pure invention, casually be seen. Again she says, in another

Attempts to bring him into suspicion.

letter: "As to the thirty thousand pieces which Pym sends me word have been promised a long time ago, and not sent, you will also be shown how they have been employed most usefully for your service." Again, artfully naming him with a known agent and minister of Charles: "I have so much business that I have not leisure to write to Pym nor to Culpeper. Remember me to them, and tell them I am returned to England as much their friend as when I left, &c." The subject of Pym's extraordinary popularity, and its causes, is treated in more detail in my *Arrest of the Five Members*, § v, but I will here subjoin the striking testimony borne by Covenanter Baillie to the qualities which had singled out this great man for those onerous duties of leadership under which he sank exhausted in the second year of the war. Baillie is writing to his friend Spang on the 10th August, 1644: "Since Pym died, not a State Head amongst them: many very good and able spirits, but not any of so great and comprehensive a braine, as to manage the multitude of so weightie affaires as lyes on them. If God did not sit at their helme, for any good guiding of theirs long ere this they had been gone." *Journals*, ii. 216.

Causes of his popularity.

Tribute by Covenanter Baillie.

Robert Goodwin, the member for East Grinstead, in a speech levelled at the new party in the House. He dilated on the disasters undergone from former advisers and ministers of the Sovereign; and argued that all they had gained would now be lost, if they could not guard against possible dangers from new counsellors as unworthy, and who might perhaps become as powerful, as the old. The matter was debated on both sides with vehemence, and Mr. William Strode,\* who sat for Beer

against King's appointments to office.

\* What Clarendon says of Strode, that he was "one of those ephori who most avowed the curbing and suppressing of Majesty" (i. 253), and further (ii. 23), that he was "one of the fiercest men of the party, and of the party only for his fierceness," is coloured always by strong personal dislike, but it had probably some foundation. Only he forgets to state that Strode had precisely the same claims to popular sympathy and confidence of which he does not withhold the credit from other leading men, in so far as such might fairly rest on former sufferings, and long imprisonments, for independent conduct in preceding parliaments. And indeed, considering the strong claim which, in every other case, such sufferings constituted—the title which the mere fact of having so suffered gave, to popularity out of the House, to authority within it, and to continued dislike and jealousy from the Court—it is perfectly inexplicable to me that Clarendon, in not remarking on the arrest of the five members, should bring himself to talk of a man who had sat in the last two Parliaments of James and in all the Parliaments of Charles, who had been a foremost actor in the great scene of the dissolution of the Third Parliament, and who for his spirited and manly conduct that day had suffered persecution and long imprisonment, as he speaks of Strode. After observing that three of the five members impeached were really distinguished men, he adds (vol. ii. 161), "Sir Arthur Haselrig and Mr. Strode were persons of too low an account and esteem; and though their virulence and malice was as conspicuous and transcendent as any man's, yet their reputation, and interest to do any mischief, otherwise than in concurring in it, was so small, that they gained credit and authority by being joined with the rest, who had indeed a great influence."

Clarendon's attack on Strode:

not applicable to Strode of James's reign.

I had written thus far when it occurred to me to make further inquiry, and the result is a conviction to my mind

Probable confusion



alston, appears to have given the member for

between  
two  
Strodes.

The later  
Strode a  
young  
man.

Evidence  
of  
D'Ewes's  
Journal.

Scene at  
Arrest of  
Five  
Members.

Counter  
testi-  
mony in

that the Strode of the Parliaments of James and the early Parliaments of Charles, and the Strode of the Long Parliament, in whose identity every historian and writer upon these times, so far as I am aware, has hitherto implicitly believed, and by whom, as one and the same speaker, a large place is filled in both Editions of the Parliamentary History, were two distinct persons. That so extraordinary a mistake should have been made as to a person whom the King's fatal attempt was calculated to render notorious, may serve to show, among other things, how much has yet to be learned respecting the incidents and actors in these momentous times. The proof as to Strode consists in the fact of repeated references to him as a young man, in the manuscript reports of the proceedings of the house which I have had before me while writing. Rushworth had already drily noticed (*Collections*, Part iii. Vol. I. 477) his obstinacy in refusing, when the King's intention was made known, to leave the house with the other members, until his ancient acquaintance Sir Walter Earle forced him out: but I subjoin an ampler account of the scene, until now unpublished, which is interesting in itself, and appears decisive as to the mistake hitherto made. "But Mr. William Strode, the last of the five, being a young man and unmarried, could not be persuaded by his friends for a pretty while to go out; but said that knowing himself to be innocent, he would stay in the house, though he sealed his innocency with his blood at the door: nor had he been at last overcome by the importunate advice and entreaties of his friends, when the van or fore-front of those ruffians marched into Westminster Hall. Nay, when no persuasions could prevail with the said Mr. Strode, Sir Walter Earle, his entire friend, was fain to take him by the cloak, and pull him out of his place, and so get him out of the house." From the fact of his representing Beeralston, and of the connection between the family of the elder Strode and Sir Walter Earle, young Strode was in all probability the son; but both the Editions of the Parliamentary History, and all other biographies and histories relating to him, beginning with the very positive account in the Second Impression of the *Athena Oxoniensis* (iii. 176-8, Edit. 1817), must now be altered, if what I have here advanced be correct.

[The dispute of Strode's identity was restated, and the view here expressed further enforced, in my *Arrest of the Five Members*, § xxi, in reply to some remarks which the present note had elicited in a very able book (*Illustrations of the Great Rebellion*, by Mr. Langton Sanford) published after my *Essays*. But, in now leaving as it stands this curious historic doubt, I am bound frankly to say that the counter testimony

Saltash, Mr. Edward Hyde\*, some advantage, by the unusual violence of tone with which he broadly insisted on the right of the House to a negative voice in placing great officers of state. "I think most he said was premeditated," says a member who was present; "but it was so extreme in strain, as Mr. Hyde did, upon the sudden, confute most

in favour of identity, though far from decisive, is stronger favour of than I supposed. A Resolution of the House is reported, voting a tribute after the death of Strode of the Long Parliament, which would seem to recognise, not only his attempted arrest by Charles, but his former sufferings under James. On the other hand, this vote belongs to a period when a confusion between persons of the same family was quite possible in a resolution having for its object to express the public gratitude. And I subjoin, in further corroboration of doubts which I still hold to predominate, an extract from a private letter of D'Ewes to his wife describing the introduction of the Triennial Bill, unquestionably the act of the man associated afterwards with Hampden and Pym in the King's attempted Arrest. "My dear Love," writes D'Ewes, "I had thought to have written at large unto you this weeke, but multitude of business hinders mee. I heere enclosed send you a copie of an Act of Parliament which was first brought into the House by one Mr. William Stroud, a young man." Is it conceivable that D'Ewes, one of the most punctiliously accurate of writers, would thus have described a man who had obtained distinction as a representative of the people before the close of the preceding reign, when D'Ewes himself was little more than a lad from college? And as he thus first described the Strode of the Long Parliament, so, after nearly twelve months had passed, we have seen that he continued to describe him.

\* I call him by either name indiscriminately, Hyde or Lord Clarendon, in the course of this work; but he was not the only Hyde who sat in the Long Parliament. There was a Robert Hyde, also a lawyer and a royalist, who sat for Salisbury; commonly called Serjeant Hyde. Robert voted against Strafford's attainder, and has occasionally been mistaken for Edward in the list of "Straffordians." When Edward first more received the King's message for an interview before he set forth to Scotland, he affected to believe the messenger had committed a mistake, and that his royalist namesake was than intended. Much more likely he, than one who had taken Edward's part on the other side! See *Life*, i. 92.

Hyde's  
oppor-  
tunity.

Irish Re-  
bellion.

Pym's  
oppor-  
tunity.

“ of it.” Eagerly was Mr. Hyde now plying his chosen office of King's defender ; but he doubtless found his task more difficult after the interval of a week, during which the startling news had arrived (received in the House, says Clarendon, with deep silence and a kind of consternation) of that rebellion and most appalling massacre by the Irish papists, from some connivance with whose abettors the memory of Charles the First has never yet been cleared. Pym then saw *his* advantage. He put the matter of evil counsellors in a more practical form, and brought suddenly into open clash and collision the two parties into which the House had become divided. And the same great name of Strafford which had formerly united them, re-appeared now but as the signal to show how completely they were riven asunder.

#### § IX. THE NEW PARTY AND THE OLD.

5th No-  
vember,  
1641.  
Pym's  
speech on  
evil coun-  
sellors.

ON Friday, the 5th of November, upon the question of the supply necessary for the forces to be sent into Ireland, and whether or not assistance should be asked from the Scotch, Pym arose, and after remarking that no man should be readier or more forward than himself to engage his estate, his person, his life, for the suppression of this rebellion in Ireland, there was yet another question also to be considered. All that they there did would be vain, as long as the King gave ear to the counsellors about him. His Majesty must be told, said the member for Tavistock, that Parliament

here finds evil counsels to have been the cause of all these troubles in Ireland; and that unless the Sovereign will be pleased to free himself from such, and take only counsellors whom the kingdom can confide in, Parliament will hold itself absolved from giving assistance in the matter. "Well moved! Well moved!"

Excitement in House.

cried many members; and "divers," says D'Ewes, "would have had it speedily assented unto, but Mr. Hyde stood up, and first opposed it, and said, amongst other things, that by such an addition we should as it were menace the King." Upon this hint

Edmund Waller's reply.

up sprang suddenly the member for St. Ives, Mr. Edmund Waller, cousin to Hampden and to Cromwell, yet one of Hyde's most eager recruits, nor more despised for his abject, veering, vacillating spirit, than he was popular for his wit, vivacity, and genius.\* These he had now placed entirely at the King's disposal.

He begged the House to observe what Mr. Pym had just said, and to remember what formerly had been said by the Earl of Strafford.

Compares Pym to Strafford.

Where in effect was the difference between such counsel to a King, as that he was absolved from all laws of government, on Parliament

\* "He had a graceful way of speaking; and by thinking much upon several arguments, he seemed often to speak upon the sudden, when the occasion had only administered the opportunity of saying what he had thoroughly considered, which gave a great lustre to all he said; which yet was rather of delight than weight. There needs no more be said to extol the excellence and power of his wit, and pleasantness of his conversation, than that it was of magnitude enough to cover a world of very great faults; that is, so to cover them, that they were not taken notice of to his reproach." Clarendon, *Life*, i. 54.

Value of preparation in oratory.

refusing his unjust demands; and such advice to a Parliament, as that it should hold itself absolved from assisting the State, on the King's non-compliance with demands perhaps not more just? The too ingenious speaker was not permitted to say more. Pym rose immediately and spoke to order. If the advice he had given were indeed of the same nature as Lord Strafford's, then he deserved the like punishment; and he craved, therefore, the justice of the House, either to be submitted to its censure, or that the gentleman who spoke last be compelled to make reparation. Many and loud were the cries for Waller which followed this grave and dignified rebuke; but a strong party supported him in his refusal to give other than such modified explanation as he at first tendered, and it was not until after long debate that he was ordered into the committee chamber, and had to make submission in the required terms. It was near five o'clock on that November evening, when Mr. Waller "publicly asked pardon of the House and Mr. Pym." \*

Pym rises  
to order.

Cries for  
Waller.

Repara-  
tion  
made.

Com-  
mons'  
Journals:  
5th Nov.

Waller's  
apology.

\* All, until now, revealed of this affair, is contained in the subjoined entry from the Commons' Journals (ii. 306), under head of Friday, 5th Nov. 1641:

"Exceptions were taken at words spoken by Mr. Waller, which reflected upon Mr. Pym in a high way: for which he was commanded to withdraw.

"And he being withdrawn, the Business was a while debated: And then he was commanded to return to his place.

"And then the Speaker told him, that the House held it fit, that, in his place, he should acknowledge his offence given by his words, both to the House in general, and Mr. Pym in particular.

"Which he did ingenuously, and expressed his sorrow for it."

The special cause of offence is now first made known.

But the House, or Mr. Pym, was little now to Mr. Waller and his friends, in comparison with their new and late-found allegiance to the other master whom till now they had determinedly opposed. So quick and complete the change, it was as the shifting of a scene upon the stage. The men who had always been courtiers were seen suddenly deposed from what importance they had, and an entirely new set of characters promptly filled their place.

Dramatic changes :

“I may not forbear to let your Majesty “know,” writes Nicholas immediately before the scene just named, and describing the debates which led to it, “that the Lord Falkland,

reported to the King :

“Sir John Strangways, Mr. Waller, Mr. Edward Hyde, and Mr. Holborne, and divers others, stood as champions in maintenance of your prerogative, and showed for it unanswerable reason and undeniable precedents, whereof your Majesty shall do well to take some notice, as your Majesty shall think best, for their encouragement.” Eagerly

Royal thanks to managers.

did the King respond, that his good Nicholas was commanded to do so much at once in his name, and to tell those worthy gentlemen that he would do it himself at his return. The Secretary was ill when that message reached him, but it was not a matter that admitted of delay. Hyde was sent for to King Street,

Hyde sent for by Nicholas.

where Nicholas lived; was shown up to his bed-room, in which he lay very sick; and the business was wholly, Mr. Hyde informs us with a modest satisfaction, “to show Mr. Hyde a letter from the King to Mr. Nicholas, “in which he writ to him, that he understood,

“ by several hands, that he was very much  
 “ beholden to Mr. Hyde for the great zeal  
 “ he showed to his service; and therefore  
 “ commanded him to speak with him, and to  
 “ let him know the sense he had of it; and  
 “ that when he returned, he would let him  
 “ know it himself.”\* Through Mr. Hyde  
 passed doubtless several similar messages, and  
 thereupon closely had followed Mr. Waller’s  
 assault on Mr. Pym, and the rebuke at  
 Westminster winning him fresh favour at  
 Whitehall.

Is shown  
 a letter  
 from the  
 King.

Old  
 leaders  
 unmoved.

Majority  
 still suffi-  
 cient.

Each incident that had manifested thus, how-  
 ever, the spirit and purpose of the new opposi-  
 tion, served only to knit more closely what was  
 left of the old liberal phalanx. No word was  
 breathed of any kind of concession. Their  
 speech had not been more decisive, or their  
 action more vigorous, while Strafford stood at  
 bay. Broken as were their ranks, their major-  
 ity was sufficient and decisive; and they had  
 a supreme force in reserve to which they were  
 about to appeal. Wherever Hyde and his  
 friends, therefore, might be expected to  
 muster strongest, there they struck ever them-  
 selves the first, and still the heaviest.

Measures  
 against  
 Bishops:

Before the recess, thirteen bishops had been  
 impeached for an attempt to override the law  
 by asserting a legislative authority in new  
 Canons which they claimed to impose; after  
 the House again met, as we have seen, a bill  
 had been introduced for taking away their  
 votes in the upper House; subsequently there

\* *Life and Continuation*, i. 94 (Ed. 1827).

had been several sharp debates on a proposal to sequester them from giving votes on the disabling bill, because they should not thereby be at once parties and judges : yet this was the time selected by Charles for pressing with characteristic vehemence the investiture of five new bishops, of whom four had sat in the Convocation which imposed the disputed Canons ! In writing to Edinburgh, Nicholas had been careful to recount the surprise he heard expressed that any man should move his Majesty for making of bishops in those times, to which his Majesty wrote instantly back that on no account was there to be any delay ; and at the very moment these letters were thus interchanged, Mr. Oliver Cromwell had carried in the Commons, by a majority of eighteen, a motion for a conference with the Lords to stay the investiture. “ This business,” says D’Ewes, “ was debated with as great earnestness almost as I ever saw in the House.”

proposal to make five new ones.

Cromwell's counter motion.

The earnestness had certainly not abated a few days later, when, the time limited for pleading to the impeachment having arrived, the impeached bishops were to put in their answer ; and a demurrer was entered on their behalf so skilfully drawn up, that the curiosity was great to ascertain its author. It came on for discussion in the House ; and the one of Hampden’s counsel who had argued with most consummate ability against ship-money, and who had not heretofore been very friendly to bishops, Mr. Holborne, member for St. Michael’s, and of late entirely leagued with

Bishops' demurrer

Holborne supports bishops.



Hyde, got up to support it. Hereupon Sir Simonds D'Ewes, that wealthy and respected country gentleman and collector of precedents and records, who now sat for Sudbury, ex-high-sheriff of Suffolk but formerly student and barrister of the Middle Temple, made a lucky hit. He complimented his learned friend; recalled the days when they used to meet at mootes in Lincoln's Inn, and admitted that, of all men, he was wont to get deepest into the points of a case; but, truly, he had this day so strongly maintained the plea and demurrer of the bishops, that he could not have performed it more exactly if he himself had drawn the same. Something here perhaps in Holborne's manner betrayed him, but a loud laugh burst forth which was kept up some time. "All the House laughed so long," says D'Ewes, "as I was fain to remain silent a good while; for I believe many in the House did suspect, as well as myself, that either the said Mr. Holborne had wholly drawn them, or at least had given his assistance therein." It was quite true; but the great ship-money lawyer took little for his pains in having thus come to the rescue. Upon the success of the demurrer, Pym headed a conference with the Lords; demanded, in the name of the Commons, that the votes of the bishops should be suspended until the fate of the bill under discussion was decided; and so began the conflict with the Right Reverend Bench which ended in their committal to the Tower.

D'Ewes  
replies to  
Holborne:

raising  
laugh  
against  
him.

Begin-  
ning of  
the end.

In like manner it fared with the two other

questions, control of his Army and choice of his Counsellors, on which the King was himself most sensitive, and his friends in the House most busy and eager. Every move they made was outmoved. Vehement as were the excitements, and grave the dangers, of the Irish Rebellion, of the doubtful allegiance of the force under arms in England, and of the attempts in Scotland against Argyle and the Hamiltons, Pym seized and turned to instant advantage, as already we have seen on one subject, the equivocal position regarding all in which ill counsels had placed the King.

Moves and counter moves.

At the same time, being far the most practical man in the House, he never insisted upon any proposition, however in itself desirable, which carried with it the danger of dividing his party;\* setting himself to discover, in all such cases, a less objectionable mode of effecting the same object; and Oliver St. John, who continued to hold the office of Solicitor-General, having pointed out the ill consequence, to many members, of such a resolution as that objected to by Waller, absolving the House under any conditions from its necessary engagement to assist in reducing the Irish Rebellion, Pym at once recast his resolution, and brought it forward in its new form on the 8th of November. Substantially it was the same as at first; but so expressed, that while it met the objection of St. John, it also met with greater directness what was known to be the purpose of the King. Assuming that his Majesty should not

Prudence and sagacity of Pym.

Gives effect to suggestion of St. John.

Position

\* See other illustrations of this in my *Arrest of the Five Members*, § xxiii.

of House  
as to Irish  
Rebellion.

be graciously pleased to dismiss his evil counsellors, it declared that, while the House would nevertheless continue in the obedience and loyalty due by the laws of God and the kingdom, yet they would take such a course for the securing of Ireland *as might likewise secure themselves*. "I hope this ill news of Ireland,"

Hope of  
the King  
thereon.

Charles had curtly written to Nicholas, in the midst of the sudden public horror at that appalling news, "I hope this ill news of Ireland may hinder some of these follies in England!"

Baffled by  
Pym.

Small chance of such hope finding realization if a resolution worded like Pym's might pass the House! Charles would have used the necessity for an armed force so as to direct it against English as well as Irish "follies." Pym saw what was meant, and rendered the scheme impossible.

Speech  
to the  
Lords  
against  
evil coun-  
sels.

Orlando Bridgman led the opposition, and after a long and fierce debate Pym's resolution passed by a majority of 151 to 110. Then, at a conference with the Lords the following day, every step to which had been hotly contested in the Commons, he obtained their consent to the introduction of a similar clause against evil counsellors into the instructions for requesting help from the Scotch Parliament for suppression of the Irish Rebellion; and this after a speech consummate in its power and effect, and remarkable for the subtlety of its argument against the Roman Catholic religion as in its full indulgence incompatible with the existence in a State, not only of any other form of religion, but of any form whatever of political government and freedom. It is also a fact full of significance that on the

same day when the resolution embodied in this clause had passed the lower House by a majority of forty-one, and the conference with the Lords

Resolution passed.

was obtained, which was only two days later than that of the fierce resistance of Hyde, Culpeper, and Falkland, and of Waller's high-flying parallel between Strafford and Pym, I discover that "Mr. Cromwell" moved and carried an addition to the subjects for conference: "that we should desire the Lords that "an Ordinance of Parliament might pass to "give the Earl of Essex power to assemble, at "all times, the trained bands of the kingdom on "this side Trent, for the defence thereof, till "further orders therein taken by the Houses."

A motion by Oliver Cromwell.

Therein lay the ominous germ and beginning of the victorious army of the parliament! Such power as Cromwell thus obtained for Essex, during the pleasure and under the authority of Parliament, the King had given him before his departure, with a limit of its duration to the period of his absence in Scotland. But even more pregnant of disaster to the King's designs than the power thus invested in the most popular member of the House of Lords, was the character of the authority by which the right so to give or to withhold such power was assumed.

Germ of the Parliamentary Army.

Then for the first time had appeared the ill-boding claim of authority for an Ordinance of both Houses in the absence of the King. Nicholas hastened to inform the King of the portent. A great lord had objected, he said, and expressed doubts whether men might be raised without warrant under the Great Seal; whereupon, this doubt being made known in

Ominous claim put forth.

Ordi-  
nances  
minus the  
King.

the Commons' House, it had been declared that an Ordinance of both Houses was a sufficient warrant for levying of volunteers by beating of the drum, "and an entry of such their declaration was accordingly made in the Register of that house." The letter of Nicholas is dated the 10th November, only two days later than Cromwell's resolution. Meanwhile, however, the Queen appears to have sent, upon this all important point, even earlier tidings to the King; for, in a letter dated the 12th November, only two days later than the communication to Nicholas, she thus writes to him: "I send you a letter for Milord Keeper, that the King did send to me to deliver if I thought it fit. *The subject of it is to make a Declaration against the Orders of Parliament which are made without the King.* "If you believe a fit time give it him, if not you may keep it till I see you." In the same letter she tells Nicholas that the King will certainly be in London by the 20th of the month, and that he is therefore to advertise the Lord Mayor of London of the fact. The chief magistrate was duly informed, and hastened to make good use of the time so given him: but the leaders of the Commons had already made provision for turning to still better use the opportunity afforded by the time.

Alarm  
thereat.

Prepara-  
tions for  
conflict.

### § X. CONFLICT BEGUN.

8th Nov.  
1641.

IN the afternoon of the same Monday the 8th of November when Pym's modified

resolution against evil counsels passed, the "Declaration and Remonstrance" was submitted in its first rough draft for discussion by the House. Never before was presented to it, never since has it received, such a State Paper as that!—Immediately upon its production, it was read at the clerk's table; whereupon several notices of motions for additions and amendments were given, and order was taken for commencing the discussion upon its several clauses, *seriatim*, on the following morning at nine o'clock.

Rough draft of Remonstrance submitted.

The character of the impression at once made by it will be inferred from the instant communication of Secretary Nicholas to the King. On the evening of the same day, he wrote off to Scotland that there had been that afternoon brought into the Commons' house, and there read, a Declaration of the State of Affairs of the kingdom, which related all the misgovernment and all the unpleasing things that had been done by ill counsels ("as they call it") since the third year of the reign until now. The further consideration of it was to be had the next day in the House; and so much was it likely to reflect to the prejudice of his Majesty's Government, that Mr. Secretary "troubled" to think what might be the issue if his Majesty came not instantly away from Edinburgh. Every line in the letter showed the sore perplexity the writer was in. He could not possibly account for this Remonstrance satisfactorily as a party demonstration. "Surely if there had been in this," he says, "nothing but an intention to have justified

Nicholas writes to the King.

Mr. Secretary's trouble.

Urges King's

infant  
return :

“ the proceedings of this Parliament, they  
“ would not have begun so high.” He en-  
treated the King to burn his letter, or he,  
Nicholas, might be lost; and at its close he  
again made urgent and anxious representation  
to his Majesty, that he could not possibly so  
much prejudice himself by at once leaving  
Edinburgh and all things there unfinished, as  
by delaying his return to London even one  
day. The King’s answer, avoiding the question  
of the immediate return, as to which he had  
already communicated with the Queen, was  
not less urgent. “ You must needs speak with  
“ such of my servants that you may best trust,  
“ in my name, *that by all means possible this*  
“ *Declaration may be stopped.*”

King’s  
answer :

Stop the  
Remon-  
strance !

Alas ! this was not by any means possible.  
All that could now be done, by earnest recruit-  
ing for the royal service, was to arouse and  
league firmly together, in desperate opposition  
to the Remonstrance and its authors, a band  
of members of the lower House, even more  
fierce and only less determined than the other  
indissoluble league already pledged to support  
it, and bent upon carrying it to the people.  
And so the struggle began.

Forces  
organised  
for the  
struggle.

§ XI. THE OPENING DEBATES: 9TH,  
10TH, 12TH, 15TH, AND 16TH NOVEM-  
BER.

First  
Debate:  
9th Nov.

ON Tuesday, the 9th of November, the  
first debate was taken. The hour appointed  
for it was nine o’clock, but it did not begin till  
about twelve o’clock, and it continued until a

late hour. The order of procedure was first settled. The Declaration was to be read clause by clause; every member was to speak to each clause, if he would; and if any spoke to have the clause amended, and that the House gave leave, then it was to be amended, and the clause with the amendments put to the question. Cromwell and Strode were among those who moved the first amendments. At this first sitting also, Bulstrode Whitelocke, who sat for Marlow, Serjeant Wylde, the member for Worcestershire, Mr. Henry Smith, the member for Leicestershire and afterwards one of the King's judges, Sir John Clotworthy, who sat for Malden, Mr. Wingate, the member for St. Albans, and Mr. Geoffrey Palmer, the member for Stamford, and formerly one of the managers of Strafford's impeachment, moved and carried insertions and additions; all of them, with exception of the last, designed to make it more stringent and severe in tone. On the following day, Nicholas reported as usual to the King. A fourth part had been gone through, comprising nearly fifty clauses; and the rest of it, Mr. Secretary had learnt, was to be voted in the same way, as fast as might be; after which it was to be transmitted straightway to the Lords. The latter information was inaccurate; but the King's instant order to act upon it, though destined to be of no avail as to the upper House, was a new incentive to activity in the lower. "Command the Lord Keeper in my name," he wrote, "that he warn all my servants to oppose it in the Lords' house."

Procedure  
settled.

Movers  
of  
Amend-  
ments.

Report of  
Nicholas  
to King.

King's  
order  
thereon.



Second  
Debate :  
10th Nov.

On Wednesday, the 10th of November, says a member who took part in the debate, "we proceeded with the Remonstrance where "we left off yesterday." Insertions and additions were again made, among them one having reference to slavish doctrines against the subject's property in his estate, very generally preached from pulpits before the King ; and a peremptory order, issued at this sitting, to the effect that the clerk should on no account give out copies of the Declaration until the House had fully perfected it, may serve to show how interest was gathering around it from day to day.

No copies  
to be  
given out.

11th Nov.  
Speech by  
Strode.

The Irish Rebellion, and provision for the levies and expenditure it had suddenly rendered necessary, occupied the House so incessantly during the sitting of the 11th of November, that the order for resuming the Remonstrance had to be laid aside ; but a remarkable allusion was thrown out in reference to it, by Strode, in the course of the debate on the raising money for supply of his Majesty's wants in Ireland. He spoke of the dissatisfaction of the people, and of the injustice of laying further burdens on them, until something were done to reassure them under their present fears and misgivings, and to give them hope that what with so much toil and sacrifice had been lately gained was not again to be completely lost. "Sir," said the member for Beeralston, "I move against "the order of the committee that we should "not admit of the giving of money till the "Remonstrance be passed this House, and gone "into the country to satisfy them." This at

Destina-  
tion of  
Remon-  
strance  
avowed :

to go to  
the people.

any rate was plain speaking.\* Thus early in the debates, the desire and the design of the promoters of the Remonstrance were frankly avowed. It was to be to them some guarantee that the army about to be raised for the suppression of Irish rebellion, should not hereafter be used for the suppression of English liberty. It was to be printed and circulated among the people.

To be printed and circulated.

That was on Thursday, the 11th of November. On the day following, the Remonstrance was proceeded with, and every part so obstinately disputed, that the House sat far into that November afternoon. A motion for rising having been resisted successfully, another member moved that candles should be brought. This was a proceeding as yet very rarely resorted to; it having been only during the proceedings on the Attainder of Strafford that the order of the House had been so far relaxed as to admit of new motions made, except with special permission, after noon.† “Sir,” said

Third Debate : 12th Nov.

Motion for candles.

\* Strode seems to have had the habit of blurting out in Strode's words, in a sudden impulsive way, what the more reserved of manner of the party more prudently were content to leave as matter of speech. inference from their acts. As to the question of disbanding the Scotch army, for instance, he frankly avowed: “We cannot yet spare the Scotch. The sons of Zeruah are too strong for us;” for which, being called to order, the House refused to exact any apology. (*Journals*, Feb. 6, 1640-1.) What he thus openly declared had till then (according to *May*, lib. i. cap. viii.) been asserted principally by the ill-affected, who not only in discourse but written libels taxed the Parliament with it, imputing it to them as a crime of too much distrust of the King, and accusing them of having kept up a foreign army to overawe their own Prince.

Avowal as to Scotch army.

† I find, from the D'Ewes manuscript before me, that on the 4th December 1640, on the motion of Strode, an order was made that “every one upon coming into the House who did

D'Ewes  
in favour  
of candles.

the advocate for candles, who was no other than D'Ewes himself, "we have now been "fitting in the house near upon seven hours" (the ordinary hour of meeting was eight o'clock in the morning, but of late, in consequence of the prolonged sittings, the hour had been generally nine, sometimes even ten o'clock), "and we do not now think fit to rise, but "we will still sit. I desire that we may sit "according to the ancient use of parliaments, "having the use as well of our eyes as of our "ears; and that lights may be brought in."

Private  
reports  
to the  
King.

On this very day, Nicholas had written somewhat more hopefully to the King that the House had been the day before so employed about Irish affairs, that they meddled not with their Declaration: but after a very few days he has, less eagerly, to report that they have been making up for lost time. "The House "of Commons," he wrote, "hastens by all "means the finishing of the Declaration or "Remonstrance; and for the more speedy "expediting of it, they have at the committee

Shilling  
fines.

"not take his place, or did, after taking his place, talk so "loud as to interrupt the business of the House from being "heard, should pay a shilling fine, to be divided between the "serjeant and the poor." And to this order, on the motion of Sir John Strangways, the member for Weymouth, it was added "that after twelve o'clock no new business be entered "into, or moved, without the leave of the House." More formally it was resolved a few days later, upon the motion of Sir Walter Earle, the other member for Weymouth, "that "the ancient order of the House be observed: namely, that "no bills be read the second time but between the hours of "nine and twelve." To which it was added, at the suggestion of Mr. Speaker (Lenthall), that all bills might be read a first time, early in the morning. For further notices of such orders and modes of proceeding in the House, see *Arrest of Five Members*, § xxiii.

Orders  
as to  
business:

as to  
reading of  
Bills.

“ passed by many particulars to avoid the delay of long debates.”

In those few words were also expressed the steady perseverance and tenacity of what was truly to be called His Majesty's Opposition. Every inch of the ground was so contested, indeed, that only the most watchful and resolute determination could avail to maintain any part of it unimpaired; and all the forms of the House were exhausted in pretences for delay. The whole of the sitting of Monday, the 15th of November, was taken up with the discussion of the single clause which ultimately stood as the hundred and ninetieth. In this, adverting to the charges brought by the ill-affected party against the leaders of the House of Commons, it was affirmed, in contradiction of those charges, that not the meddling of the Commons with the power of episcopacy, but the idolatry and popish ceremonies introduced into the Church by command of the bishops themselves, were the causes why sectaries and conventicles abounded in England, and why Englishmen, seeking liberty of worship, had been driven into exile. A debate of extraordinary vehemence arose upon this word command. It was led by Sir Edward Dering, the member for Kent,\* who but a

Tenacity of His Majesty's opposition.

Fourth Debate : 15th Nov.

As to bishops' favouring idolatry.

Speech by Dering.

\* Poor Sir Edward Dering got himself only laughed at for his pains in going suddenly over to Hyde's party on this and the other question of the Bishops. He lost his seat in the House shortly after, and failed to obtain any standing with the Royalists. Yet he seems to have been an eloquent and on the whole a well-meaning man, and hardly to have deserved the sneers of Clarendon; who in his *History* (i. 416) characterises him as a man of levity and vanity, easily flattered by being commended; and Clarendon goes so far as to assert that his "greatest motive" in moving the

Falk-  
land's  
former  
attack on  
Bishops.

Present  
vehement  
defence.

little while before had moved the reading of a bill for extirpating bishops, deans, and chapters; and it was supported by Lord Falkland, who, on the 8th of the preceding February, had distinctly charged the bishops with having destroyed unity under pretence of uniformity, with having brought in superstition and scandal under the titles of reverence and decency, with having defiled the Church by adorning the churches, and destroyed of the gospel as much as they could without bringing themselves into danger of being destroyed by the law. With a pettifogging worthier of Hyde than of himself, Falkland now joined Dering in asking where proof was to be found that the bishops had issued any "command" for the introduction of idolatry. Who hath read this command? they asked. "Who hath heard it? Who hath seen this commanded idolatry?" The day closed while yet the debate had not; an order being made that the Remonstrance should be resumed the next day at ten o'clock, and that meanwhile the clause which had then been debated so much, should be recommitted to the committee that originally drafted it, to prepare it in such a manner as might be agreeable to the sense of the House.

Fifth  
Debate:  
16th Nov

On Tuesday, the 16th, the debate was resumed accordingly; but the obnoxious word remained in the clause as again introduced,

trenchant bill against the Bishops, was that he might have the opportunity of applying the two lines from Ovid,

*Cuncta prius tentanda, sed immedicabile vulnus  
Ense recidendum est, ne pars sincera trahatur!*

and after further hot debate, the question of whether it should stand passed to a division. It was carried in the affirmative by a majority of 25, Sir Thomas Barrington, the member for Colchester, and Sir Martin Lumley, the member for Essex, being tellers for the 124 ayes, and Sir Edward Dering, with Sir Hugh Cholmley, the member for Scarborough, for the 99 noes. The discussion on this day again occupied nearly all the sitting, and was only at last closed by the compromise of laying aside some clauses in which exception had been taken to parts of the Liturgy as favouring of superstition. Other changes, comprising some additions, were also assented to; and these, with the Declaration as amended thus far, were referred to "the same committee that was appointed for penning of it, and they are to bring it back to the House with all convenient speed." A further concession to the Opposition was at the same time made, in the addition to that committee of the names of Culpeper and Falkland.

Clause against Bishops carried.

Compromise as to Liturgy.

Concessions to Opposition.

The two following days, Wednesday and Thursday, the 17th and 18th of November, were silent as to the Remonstrance, but filled with matters of grave import having a direct bearing upon it. Complaints had been made of unauthorised and exaggerated accounts sent abroad of the recent proceedings of the House, and after debate an order was issued for peremptory suppression of all present printing, "or venting in manuscript," of the Diurnal Occurrences of parliament. The examinations as to the new army plot were also completed, the

Unauthorised reports.

Suppression of Printed and MS. Diurnals.

Resolu-  
tion as to  
second  
Army  
Plot.

evidence leaving little doubt as to the design having been known to the King; and Pym moved and carried a resolution, "that, in the examinations now read unto us, we did conceive there was sufficient evidence for us to believe that there was a second design to bring up the army to overawe the deliberations of this Houe." That was the most direct avowal yet made of a consciousness on the part of the Commons, not merely of what had taken the King to Scotland, but of what still kept him there. The alarm and dismay it carried with it, showed how unerringly the mark had been hit.

§ XII. PREPARATIONS FOR THE FINAL VOTE. 19TH NOV. AND 20TH NOV.

Nicholas's  
fear for  
the King.

ON the day after Pym's resolution had been passed, Friday the 19th, Secretary Nicholas wrote with unconcealed alarm and misgiving to his master. "The worst in all that business is, that it reflects on your Majesty, as if you had given some instructions concerning the stirring up the army to petition the Parliament. I hope it will appear that your Majesty's intentions were only to retain the army in their duty and dependance on your Majesty." After which, in the same letter, Mr. Secretary went on to say, that there had been nothing done these two days by the Commons touching the Declaration remonstrating the bad effects of ill counsels; but it was thought that the same would be finished that week. There were, he added, divers well affected

Progress  
of Remon-  
strance  
reported.

servants of his Majesty in the House who had continued to oppose the Remonstrance with unanswerable arguments; but it was verily thought that it would pass notwithstanding, and that it would be "ordered to be printed" without transmission to the Lords. Upon which it is to be observed as beyond question, that manifestly there was no longer any concealment of the ultimate design of the leaders of the House of Commons. Thus early, the destination of the Remonstrance was known. Strode had already, indeed, argued upon the assumption of its being printed and diffused among the people, as a thing to be admitted; and any subsequent complaint, therefore, of being taken by surprise when the proposition for the printing was formally made, could have been but a sheer pretence on the part of its opponents.

Nicholas  
as to  
printing:

the design  
avowed.

While Nicholas was writing to the King, it had been brought back to the House from the committee, pursuant to the last order; certain amendments to it had been violently debated, having reference to portions of the service-book; \* these ultimately, upon concession by the majority, had been read and assented to, and certain other verbal alterations made; and another lengthened debate had given further

Sixth  
Debate:  
19th Nov.

Amend-  
ments and

\* I subjoin a characteristic passage from a speech of Dering's delivered in this debate, as reported and preserved by himself. "Why, Sir, at one of your committees I heard it publicly asserted by one of the committee that some of our Articles do contain some things contrary to Holy Scripture . . . I started with wonder and anger to hear a bold mechanick A bold tell me that my creed is not my creed. He wondered at, mecha-my wonder, and said, *I hope your worship is too wise to believe that which you call your creed.*"



verbal  
changes.

opportunity for the "unanswerable" arguments on the one side, and the quiet and resolved answers on the other, which had now occupied the House, with small intermission, since the 9th of November. Why should you pass this unnecessary and unseasonable Declaration? urged Hyde and his friends once more.

Hyde's  
urgent  
appeal.

It is unnecessary to detail grievances, most of which are already fully redressed; and it is unseasonable to welcome home from Scotland, with such a volume of reproaches, the very author of that redress, and to assail his Majesty the King for what others have done amiss, and for what he himself hath reformed. We propose to pass it, was the determined answer of

Pym's  
reply :

Pym and his associates, because we hold it to be necessary for the preservation and maintenance of the concessions which have so been made. We believe ourselves in danger of being deprived of all the good acts we have gained, if great care and vigilance be not still used to disappoint malignant counsels. They who most exalt the grace and bounty of the King in regard to those good acts, have been

and vindication.

most busy to pervert the affections of the people from ourselves in regard to the same matter. For our own acquittal, therefore, we would let the kingdom know in what state we found it at our first convention, what fruit it hath received by our counsels, wherein we think the securities obtained are not yet sufficient, and such further measures as in our consciences we believe to be called for. Because, though the prime evil counsellors have been removed, there are others growing up in

A home  
thrust.

their places like to do quite as much mischief. —To which last home thrust, reply could not have been very easy!—It was late in the afternoon, when at the close of this debate, the order was moved and carried that the Declaration should be duly engrossed, and again brought in at two o'clock the next day. All which having been accomplished, the House was about to pass to other business, when D'Ewes informs us that Mr. Speaker Lenthal made an appeal *ad misericordiam* for himself. He showed that he had been sitting very late yesterday (Thursday 18th), that it was now past four o'clock, and that he really could not hold out daily to sit seven or eight hours. Whereon the indefatigable Mr. Pym, admitting the appeal, suggested that the House should rise, and that a grand committee should presently sit.

Order for engrossment.

Complaint of Mr. Speaker.

Lenthal relieved.

On Saturday, the 20th of November, at two o'clock, the Remonstrance, engrossed and finished, was laid upon the table. Doubtless it was then expected by its supporters, and with some show of reason, that after having stood the brunt of so many prolonged debates, it might be voted without further resistance. A resolution was accordingly moved upon its introduction, "that it be read and finished to-night;" which was met, however, by such determined opposition, that Pym was obliged to yield, and the final debate was fixed for ten o'clock on the morning of Monday the 22nd. "Why would you have it still put off," asked Cromwell of Falkland, as they left the House; "for this day would quickly

Seventh debate : 20th Nov.

Final debate fixed.

Cromwell and Falkland.

“ have determined it.” To which Falkland made reply that there would not have been time enough, for sure it would take some further debate. Oliver rejoined, “ A very “ sorry one.”\*

Preparations for Last Debate.

Remonstrance lying on table.

Cromwell was mistaken, no doubt. He was not in Hyde's confidence, and could not know of the desperate party-move to be attempted on the occasion of the last debate. But before this is described, and while the Remonstrance, ready engrossed, is lying on the table of the house, the time would seem to have arrived for the endeavour to present it to the reader, at once with sufficient fulness for accurate reflection of all its statements and in such form as to render justice to the striking narrative they embody, yet at the same time so compressed as to bring it within the limits of ordinary histories. There, it should long ago have had the place, from which it may hardly be too much to believe now, with some degree of

Statement by Clarendon :

charge against Pym :

a misrepresentation.

\* *Hist.* ii., 42. Clarendon tells the anecdote, however, in a sense quite different from that which it derives from an authentic statement of the circumstances. It was in the ordinary course of the business of the House that Pym had proposed at once to bring the matter to a conclusion, but Clarendon (ii. 41) would have us believe that he made that proposition in direct forfeiture of a previous engagement. “ And by these and the like arts, they promised themselves “ that they should easily carry it ; so that, *the day it was to be “ resumed*, they entertained the House all the morning with “ other debates, and towards noon called for the Remonstrance,” &c, upon which they were forced to go back to the first understanding of giving an entire day to the debate. Accordingly, he continues, “ the next morning, the debate “ being entered upon about nine of the clock,” &c. Now, no such incidents occurred. On the day fixed for the resumption of the debate, it *was* resumed, and at the hour precisely which before had been arranged ; namely, twelve o'clock. Clarendon's statement is an entire misrepresentation.

confidence, that it never more can be excluded. In which expectation are here appended to it some notes of matters not lying on the surface of ordinary books, which will be found to illustrate and completely corroborate the most startling of its averments.

Proposed  
historical  
illustrations.

And so to modern readers is committed that Great Vindication of the rising of their ancestors against the Sovereign in the seventeenth century, as to which one who opposed it eloquently through all its stages thus frankly confessed the secret of his opposition :

“ Sir, *this Remonstrance, whensoever it passeth, will make such an impression, and leave such a character behind, both of his Majesty, the People, and the Parliament, and of this present Church and State, as no time shall ever eat it out, while histories are written, and men have eyes to read them !*”

Dering  
on the  
Remonstrance.

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#### ABSTRACT OF THE GRAND REMONSTRANCE.

##### 1. *The Preamble : Purpose aimed at.*

THE Preamble, consisting of twenty not numbered clauses, and opening in the name of “ the Commons in the present Parliament assembled,” begins by declaring that for the past twelve months they had been carrying on a struggle of which the object was to restore and establish the ancient honour, greatness, and security, of the Nation and the Crown. That during this time they had been called to wrestle

Struggle  
of past  
twelve  
months.

Why  
Remonstrance  
introduced.

Necessary  
to completion of  
Reforms.

Court conspiracy:

to subvert  
Laws:

with dangers and fears, with miseries and calamities, with distempers and disorders so various, great, and pressing, that for the time the entire liberty and prosperity of the kingdom had been extinguished by them, and the foundations of the throne undermined. And that now, finding great aspersions cast on what had been done, many difficulties raised for the hindrance of what remained to do, and jealousies everywhere busily fomented betwixt the King and Parliament, they had thought it good in this manner to declare the root and growth of the designs by which so much mischief had been caused; the heighth to which these had reached before the beginning of the present Parliament; the means that had been used for extirpating those mischievous designs; and, together with the progress made therein, the ways of obstruction by which such progress had been interrupted, and the steps still remaining to be taken as the only course whereby the obstacles at present intervening could be finally removed.

Then, in express terms, they state the general plan or scheme of the authors of those evils, as a conspiracy to subvert the fundamental laws and principles of government on which alone the religion and justice of the kingdom can firmly rest; and they denounce the conspirators as threefold, (1) the jesuited papists, (2) the bishops and ill-affected clergy, and (3) such counsellors, courtiers, and officers of state, as had preferred their private ends to those of his Majesty and the Commonwealth. All three classes of conspirators, they continued,

had principles and counsels in common; and these were to keep up continual differences betwixt the King and People, and to lower and degrade the Protestant religion through the sides of those best affected to it. To the end that so, on the one hand, setting up the prerogative whenever a question of liberty was mooted, discrediting the claims and authority of Parliament, and ever pretending to be *siding* with the King, they might get to themselves the places of greatest trust and power, putting him upon other than the ancient and only legitimate ways of supply; and, on the other hand, by cherishing to the utmost such views of church doctrine and discipline as would establish ecclesiastical tyranny, by sowing dissensions between the common Protestants and those whom they called Puritans, and by including under the name of Puritans all who desired to preserve unimpaired the public laws and liberties and the purity and power of the true religion, they might be able ultimately to introduce such opinions and ceremonies as would necessarily end in accommodation with Popery.\* For, of the three elements of the

to degrade  
Protest-  
antism:

to dis-  
credit  
Parlia-  
ment.

Upholders  
of right  
nick-  
named  
Puritans.

\*. "It seemed that their work," said Falkland, in one of Falkland's his admirable speeches against Laud and his associates (already against spoken of, *ante*, 208), "was to try how much of a Papist Laud might be brought in without Popery; and to destroy as much as they could of the Gospel without bringing themselves into danger of being destroyed by the Law. . . . The design has been to bring in an English though not a Roman Popery: I mean, not only the outside and dress of it, but an equally absolute and blind dependence of the people upon the clergy, and of the clergy upon themselves. They have opposed the papacy beyond the seas that they Proposed might settle one beyond the water." [He means at Lambeth.] "Nay, common fame is more than ordinarily false, if Lambeth.

Popery  
the chief  
conspirator.

conspiracy, *that* was the strongest. And as in all compounded bodies, so in this, the operations had been qualified and governed throughout by the predominating element.

Such in substance was the preamble to the Great Remonstrance; of which all that followed was in the form of practical proofs and illustrations. These were contained in two hundred and six numbered clauses; each clause, as we have seen, having been put separately to the House, and so voted.

2. *First, Second, and Third Parliaments of Charles.*

Clauses  
1—6.

THE first six had relation to the First Parliament of the reign, and to the recovery of strength by the Popish party after their discomfiture by the breach with Spain at the close of the reign of James. Two subsidies had been given by that parliament, yet it was dissolved without the relief of a single grievance; and then followed the disasters of Rochelle, the desertion of the Protestant party in France, the discreditable attempt on Cadiz, the abandonment of the Palatinate and of the Protestant struggle in Germany, the wrongs inflicted on merchants and traders, the pressing and billeting of soldiers \* in all parts of the king-

Incidents  
of first  
Parliament.

English  
livings  
and  
Romish  
opinions.

“ none of them have found a way to reconcile the opinions of Rome to the preferences of England; and to be so abso- lutely, directly, and cordially papists, that it is all that fifteen hundred pounds a year can do to keep them from confessing it.”

\* The intolerable wrong and misery implied in this grievance will be better understood by reminding the reader of the passionate speech of Wentworth (afterwards Earl of Strafford)

dom, and the endeavour, happily frustrated, to introduce therein large bodies of mercenary troops.

The next four clauses described the Second Parliament, its dissolution after a declared intention to grant five subsidies, and the subsequent levy of those subsidies, not by parliamentary authority, but by the sole order of the King. Commissions of loan were issued, and all who refused were imprisoned; many contracting sicknesses in prison from which they never recovered. Privy seals went forth, raising enormous sums. Court waste and profusion were spoken of on all sides, while the people were unlawfully impoverished.\* And a com-

Clauses  
7-10.

Incidents  
of second  
Parliament.

in the debates on the Petition of Right, in which, referring to the billeting of soldiers, he exclaims, "They have rent from us the light of our eyes! enforced companies of guests worse than the ordinances of France! vitiated our wives and daughters before our faces!" In the Verney Papers, Mr. Bruce prints the subjoined very curious return of recusant parishes in the three hundreds of Ashindon.

"A retourne of those parishes that doe refuse to paye for the billeting of soldiers in my diuision with in the three hundreds of Ashindon.

	<i>li. s. d.</i>			
"Cherfly. Mr. Thomas Britwell, John Winter,				
"with the rest . . . . .	1	13	3	Lifts of recufants.
"Brill. George Carter, Mr. John Pim, Mr. William Pim, Mr. John Caswell, with the rest . . . . .	2	4	0	
"Ilmor. Thomas Lyeborn, Edmon Brooks, with the rest . . . . .	1	6	0	
"Lurgefall. The whole parish . . . . .	1	18	3	
"Bortall. The whole parish . . . . .	1	13	6	
"Per me, Edward Bullstrode."				

The two Pym's named in this return, if not connections or relatives of the great statesman, at least were worthy of the name they bore.

\* In the *Diary of Walter Yonge, from 1604 to 1628*, edited by Mr. Roberts for the Camden Society (1848) with an interesting and well-informed introduction about the leading



mission under the great seal exacted payments from the subject by way of excise, to an extent and in a manner before unheard of.\*

Clauses  
11—16.

Incidents  
of third  
Parlia-  
ment.

The Third Parliament; the attempt, by a surreptitious declaration, to evade its enactment of the Petition of Right; its forcible dissolution; the imprisonment and persecution of its most distinguished members; and the Royal Declaration printed and dispersed among the people to discredit and disavow its pro-

western families (Yonge was a Devonshire magistrate and member for Honiton), the two following notices occur in close juxtaposition (p. 98):

Proceed-  
ings to  
get  
money.

(1) "December, 1626. The King having determined heretofore to demand of all his subjects so much money by way of loan as they are set in subsidy, viz.: he that's set at 20*l.* in subsidy to lend unto the King 20*l.*, the judges were urged to subscribe. They paid their money, but refused to subscribe the same as a legal course: for which Sir Randall Crewe, Chief Justice of England, had his patent taken from him, and he was displaced *Ter. Michael.* 1626, *anno 2 Caroli.* The privy council subscribed; the lords and peers subscribed, all except fourteen, whereof six were Earls: viz. Earl of Essex, Earl of Warwick, Earl of Clare, Earl of Huntington, Earl of Lincoln, and the Earl of Bolingbroke, being Lord St. John."

How  
spent.

(2) "The Duke of Buckingham feasted the King, Queen, and French Ambassador, and bestowed 4000*l.* in a banquet. The sweet water which cost him 200*l.* came down the room as a shower from heaven; the banquet let down in a sheet upon the table, no man seeing how it came; with other pompous vanities to waste away and consume money, the country being in poverty, and more necessary occasions for it."

Any one who cares to pursue this subject will find many important illustrations of it among the Clarendon *State Papers*.

Amend-  
ments by  
J. C.

\* Among the notices for additions to the original draft of the Remonstrance, entered on the Journals, the subjoined appear with the initials J. C. and may doubtless be assigned to Sir John Clotworthy.

"The last expedition into Germany.

"The loans upon Privy Seal.

"The Commission of Excise."

ceedings,\* and give colour or excuse for the violence used to its chiefs; form the subject

\* It was on the motion of Strode, member for Beeralston, when the Remonstrance was before the House, that there was ordered to be inserted therein a mention of

Addition  
by Strode.

"The Declaration set forth upon the breach of both Parliaments."

Some remarkable illustrations of the exciting incidents which immediately preceded and very shortly followed the ill-fated dissolution of this great Parliament, have been found among the family papers of the Moundefords of Norfolk. I select one or two out of many passages which furnish traits and characteristics of the lawless time, and throw a surprisingly vivid light upon the allusions in the Great Remonstrance. From London, the 14th April, 1628, Sir Edmund Moundeford, member for Thetford in the Third Parliament then sitting, and who sat for Norfolk in the Long Parliament, writes: "We went this afternoon with our Speaker to the King to deliver him a petition for the billeted souldiers, what answer we shall have is not known. Our house proceeds not with that calm it did. God grant a good end." On the 5th of the following month he writes: "Sorrige am I to be a messenger of sadd tidings. The feares of an ill ending of this Parliament are now growne so great as they command believe. Our last day is appointed to-morrow seven-night, and we are as farre from ending our worke as when wee began."

Moundeford MSS.

In the interval between the Third and the Long Parliament, he writes: "We have no new sheriffs pricked, nor shall not (it is said) untill the now sheriffs have accounted for this ship-money: in some counties they pay, in others not, and many make the sheriffs take distress. New impositions are set upon fruit, silver, pewter, pines, and divers other things to the value 80,000 li. p<sup>r</sup> ann. There is a patent to be granted for making Salt, which will make us all smarte." From Drury Lane, on the 13th of November 1632, he writes:

Billeting  
soldiers.

Sheriffs  
and ship-  
money.

"On Wednesday last, one Mr. Palmer was censured 1,000 li. in the Star Chamber for living in London contrary to the Proclamation, and yet he was a Batchelor, and never had family, and lately had his mansion house burnt in the country. There is diligent search made by the constables of everie ward, and the names taken of all such lodgers as lay in towne the last vacation." The allusion in this last letter is to one of the most scandalous of all the projects for the plunder of the subject set on foot by this reckless government to enrich the exhausted treasury of the King. A Proclamation came forth from the Council Table commanding all who could not show their stay in London to be absolutely necessary, to go within forty days and reside in their respective counties and at

Projects  
of  
subject.

of the six following clauses.\* Strenuous as had been the struggle to pass the Great Petition, its only use had been to show with what reckless presumption, by wicked and daring ministers, the laws had been broken and the liberties suppressed which therein were so solemnly and recently declared. And what, meanwhile, had been their sufferings, whose only crime was to assert the laws, and who could be punished only by their entire subversion? The representatives of the people had been flung into prison, and there treated like felons for words spoken in parliament. All the comforts of life, all means of preservation of health, all more necessary means of spiritual consolation, were denied to them. Not suffered to go abroad to enjoy God's ordinances in God's house, His ministers not permitted to minister comfort in their prisons, the liberty of reading

Violation  
of Petition  
of Right.

Imprison-  
ment of  
Members.

Atrocities of the  
Court.

Authors  
of  
Amend-  
ments.

their mansion houses, "in order to hinder them from waisting "their estates" (!); and by the example which Sir Edward Moundeford here furnishes, some idea may be formed of the atrocities perpetrated under cover of this Proclamation. How truly says Bishop Warburton (Notes on *Hist. of Reb.* vii. 579) that every now and then a story comes out which shows the Court to have been so exceedingly tyrannical as to abate all our wonder at the rage of those who had been oppressed by it.

\* Several of these clauses appear to have received additions in the House; and to several notices of motions in the Journals that the consideration of such and such particulars should be added, are appended sometimes initials, sometimes the abbreviated name, more rarely the name in full. One name is thus given:

"*Pal.* The additional explanation to the Petition of "Right."

Which may stand for Geoffrey Palmer, the Member for Stamford, who took a leading part in the debates; or it may be intended for Sir Guy Palmes, member for Rutlandshire: the former is the more probable.

and of writing taken from them; in such miserable durance, years upon years had passed. Towards the close of the second year, indeed, some had been released, yet not without heavy fines, and the shame of being enforced to give security for good behaviour: but others might have wearied out their lives in imprisonment, if, eighteen months ago, a parliament had not come; and to one, the most distinguished of them all, after four years' tedious misery, there had come a mightier friend. In the last days of November, 1632, the brave and dauntless Eliot died in the Tower. Petition after petition had been sent up for his release; application had been made for but a few months' freedom, even to give him strength to bear further imprisonment; without such temporary change, his physician had testified that he must perish; but a cold and stern refusal was the only answer vouchsafed, and the end came which was past remedy, and never to be redressed. His blood cried for vengeance still; \* or for repentance of those Ministers of State who had so obstructed the course alike of his Majesty's justice and his Majesty's mercy.

Heavy fines.

Sufferings and death of Eliot.

His blood crying for vengeance.

\* There was no wrong which Pym appears more deeply to have resented than this murder (for such it really amounted to) of his great associate in the former parliaments of the reign. The little parliament (which met in April, 1640) had not assembled many days when Pym moved "that it be referred to the committee of the Tower to examine after what manner Sir John Eliot came to his death, his usage in the Tower, and to view the rooms and places where he was imprisoned and where he died, and to report the same to the House."

Eliot's usage in Tower.

### 3. *Government by Prerogative: from Third Parliament to Pacification of Berwick.*

Clauses  
17—60.

Government by  
Prerogative.

THE long and terrible interval which succeeded, and which only Laud's mad resolve to impose the service-book on Scotland at last abruptly closed, during which no parliament met, and the people were forbidden even to speak of parliaments,\*—forbidden merely to look back to their ancient liberty,—fills forty-four clauses, up to the sixtieth inclusive. Then passed over the land a net-work of tyranny so elaborate and comprehensive, that, excepting only its agents and projectors, not a single class of the community escaped it. Nearly all men suffered alike, in lands, goods, or person; nor was there left to any one that which safely he could call his, except the wrong, and the too patient endurance.

Clauses  
17, 21, 22,  
31, 44, 45,  
and 49.

Revival  
of feudal  
statutes.

Obsolete laws and services which it was hoped had been extinguished for ever, confronted suddenly all families of reasonable condition. Old laws of knighthood were revived; and such sums exacted for default, as, whether in respect of the persons charged, the fines demanded, or the modes of exaction, were entirely monstrous. By fines and compositions for wardships alone,† estates were

\* During the first discussion of the Remonstrance, Mr. Wingate, member for St. Alban's, moved that there should be named therein

“The Proclamation set forth, forbidding people so much as to talk of a parliament.”

† Some notion of the advantage taken, for purposes of extortion, of those obsolete feudal statutes, may be derived

weakened past help. Coat and conduct money,\* and other military charges, were either pressed as due, or, failing that claim of right, were required as loans. Without a shadow of pretence, either in fact or law, the ancient securities and charters of real property were everywhere violated; and from forests where never any deer fed, from depopulations where never any farm was decayed, and from enclosures where never any hedges were set, charges unceasing and insatiable were drawn against the land.† When flaws in title were

Ancient charters broken.

from the documents in the Verney Papers relating to Mrs. Mary Blacknall, who had the misfortune, on her father's death, to become a ward of the Crown, and four of whose maternal relations, "Anthony Blagrove the elder, Anthony Blagrove the younger, both of Bulmarsh, Richard Libb esquire of Hardwick in the county of Oxford, and Charles Wiseman esquire of Steventon in Berks," are obliged to purchase from the Court of Wards (that is, the Government) freedom from oppression, and mere ordinary rights of citizenship, by payment to the Crown of a fine of 2000*l*, half of which is paid down, and a bond given for the remainder.

Wardship extortions.

\* This oppressive tax was assessed on the several hundreds separately, each being obliged to supply its quota of men by pressing or enlistment, in proportion to its size and the number demanded; one shilling being paid to each man, fourteen shillings levied for the cost of his "coat," and two other payments made severally, as remuneration to the constable who took him to the place of embarkation, and as fine or charge for his "conduct," or expenses on the way.

Coat and conduct money.

† From a Schedule of Grievances largely circulated through the country before April 1640, I select one or two items:

"The new tax of Coate and Conduct Mony, with undue means used to enforce the payment of it, by messengers from the counsell table."

Schedule of Grievances.

"The infinite number of Monopolies upon everything the countryman must buy."

April, 1640.

"The rigid execution of the Forrest laws in their extremity."

"The exaction of immoderate fees by some officers under the Lord Chief Justice in Eyre."

Packed  
juries and  
robberies  
by law.

alleged, they were judged by packed juries ; and when commissions of inquiry into excesses of fees or fines were issued, they were made but additional means of increasing and confirming the grievance. They ended, for the most part, in compositions with the delinquents themselves ; so that offences to come were compromised as well as the offences past, and a complete impunity established for future wrongs. To these matters were devoted the 17th, 21st, 22nd, 31st, 44th, 45th, and 49th clauses.

Clauses  
18, 19, 20,  
and 24.

Nor was the lot of the merchant and trader, in this disastrous interval, more to be envied than that of any owner of a moderate estate. In the very teeth of the Petition of Right, tonnage and poundage were again levied, with many other similar impositions, of which some were in a disproportion so monstrous, that the amount of the charge exceeded the entire value of the goods. The book of rates generally was also enhanced to such an extent that the ordinary transactions of commerce became impossible. And though, for these violent assessments, there was set up the notable pretence of duly guarding the seas ; and though there was suddenly added thereto that new and unheard of tax of ship-money,\* by which, for

Monstrous  
taxation  
of com-  
merce.

Pretence  
of guard-  
ing seas.

Finch was at this time Chief Justice of the Common Pleas, and no part of his conduct in the circuit in Eyre more exasperated the people than his extending the boundaries of the forests in Essex, and annihilating the ancient perambulations.

The tax  
least  
support-  
able.

\* In the above-named "Schedule of such Grievances as most oppress this country," largely circulated in the early part of 1640, stands first "The illegall and insupportable charge of ship-money, now the fifth yeere imposed as high as ever, though the subject was not able to pay the last

many years, with the help of the book of rates, near upon 700,000*l.* was yearly taken by the Crown; the fees meanwhile were left

“yeer, beeing a third.” The Lord Deputy Wentworth’s newswriter gives us curious notices of this memorable tax, “word of lasting found in the memory of this kingdom;” but even his gossiping letters lose something of their careless tone in talking of it, and show that he also winces and smarts under the pressure no one can escape. In one year, Mr. Garrard says, “it will cost the city at least 35,000*l.*” He names particular assessments to the amount of 360*l.* and 300*l.* great sums to pay at one tax, and we know not how often it may come. It reaches us in the Strand, being within liberties of Westminster, which furnisheth out one ship—*“nay lodgers,* for I am set at 40*s.*; but I had rather give and pay ten subsidies in parliament than 10*s.* this new-old way of dead Noy’s.” And as in the cities, so in the country. “Mr. Speaker,” said Sir John Culpeper, “this tax of money is the grievance which makes the farmers faint, and indeed, that the prisons were literally filled with those who had refused and resisted payment, before the Crown (which, through the judges on circuit, had resisted every former attempt to bring the question into the courts as refusing even to admit a doubt of its legality) consented to appear as Hampden’s plea. The Court lawyers had selected Hampden as a better man to fight it out with, than the less affable and apparently more obdurate Lord Saye; but here, as everywhere, they were fated to discover their mistake. I give a curious note (not otherwise reported) as to Lord Saye’s subsequent proceedings:

“March 19, 1638-9. Shipmoney, determined for the king by his prerogative, argued Easter and Trinity Term. In Michaelmas term, the lord Saye brought his action about it to the King’s Bench barre. Mr. Holborne, pleading strongly for him, was rebuked by Judge Bartley [Berkeley], because it was determined as before. He alleged a president when such determinings have been againe questioned. Judge Croke alledged presidents. Judge Joanes said they were not like. Sir Jo. Brampton [Brampton] alledged that they had no president like this, viz. to call the thing in question the next terme, and before the judges’ faces that did determine it. The lord Saye affirmed, that if their Lordships would say it were lawe, then he would yeeld; but otherwise not, to the wronging of his country. He hath time to consider until the next terme.”

Pym, in his great speech in the little parliament, struck at



Seas  
wholly un-  
guarded.

so utterly unguarded that the Turkish pirates ranged through them uncontrolled, repeatedly taking great ships of value, and consigning to slavery many thousands of English subjects.\*

Pym on  
ship-  
money.

the root of the extraordinary and universal resistance provoked by this tax when he pointed out, that it extended to all persons and to all times, that it subjected goods to distress and the person to imprisonment, that, the King being sole judge of the occasion, there was no possibility of exception or relief, and that there were no rules or limits for the proportion, so that no man, under it, knew what estate he had, or how to order his course or expenses. It is quite a mistake to suppose, as some have represented, that it was a light tax; and that Hampden, well able to afford it, opposed it only on principle. No man, not the wealthiest in that day, was able to afford it. It must, sooner or later, have broken him down.

Not a  
light tax.

\* "About the end of March, 1627, Sir William Courtenay his house of Ilton, near Salcomb, in Devon, was robbed; and much of his pewter plate and household stuff carried away. It was done by certain pirates, which came up in boats from Salcomb, and fled the same way they came without apprehension"—*Diary of Walter Yonge*: to which passage a valuable note is appended by the editor. The sovereignty of the sea was as yet but the emptiest of claims. Pirates of all lands swept our coasts during the whole of this period of government by the sole will of the King. Piracy had become indeed so much more profitable than honest trading that many Englishmen turned Turks and lived at Tunis. Sir Francis Verney is supposed to have been among them; and Mr. Bruce (in his most interesting collection of Verney Papers, printed for the Camden Society, 95-102) does not effectually rebut the supposition. "Assisted by Englishmen," says the editor of Yonge's *Diary*, "the Barbary corsairs not only scoured the English and St. George's Channels, but even disembarked, pillaged the villages, and carried the inhabitants into slavery, to the number of several thousands. . . . One vessel the Algerines captured was worth 260,000*l.* The Dutch resumed their fishing without a licence, and captured two rich East Indiamen. France, Spain, and Holland violated the neutrality, and insulted the English flag. The French scoured the Severn in 1628. . . . So late as the year 1633, Lord Wentworth, appointed lord-deputy of Ireland, names noted pirate vessels off the coast of Ireland, and their captures. The Turks carried off a hundred captives from Baltimore in Ireland, in 1631. They landed their poor captives at Rochelle and marched them in chains to Marseilles. And in 1645, the

Piracies  
in the  
Channel.

Insults to  
English  
flag.

It was in vain that the leading merchants would have appealed to the law. The ordinary course of justice, the common birthright of the subject of England, was closed to them. The most distinguished of their number who made the trial was dragged into the Star Chamber, fined 2000*l.*, kept twelve years in prison, and released a beggar.\* These things are the subject of clauses 18th, 19th, 20th and part of the 34th.

No laws to appeal to.  
Cafe of Richard Chambers.

Other wrongs, too, equally grave, the mer-

“Turks carried off twenty-six children at one time from Cornwall. The editor has a curious bill of expenses for sending pirates with their hands tied behind them on horseback to Dorchester gaol.”

Captures by Turks.

\* A man had but to question the most profligate decisions of the Courts to be dragged into the Star Chamber. One instance of a different kind, showing the deep resentment of the people at such proceedings, is well worthy of preservation. Of the twelve judges who pronounced on ship money, three dissented, of whom Hutton was one; and a clergyman named Harrison was brought before a jury for having charged Judge Hutton with treason, in having denied the King's prerogative in the matter of ship money. The jury gave 10,000*l.* damages against him; a judgment disallowed, but evincing unmistakably the feeling of the people. That was in 1638-9. I may add, not less as a valuable illustration of this part of the subject, than as a good specimen of Hyde's tone in the House at this time, a few sentences from his speech upon the misdoings of the Bench of Judges. “The great resolution in ship money was a crime of so prodigious a nature, that it could not be easily swallowed and digested by the consciences even of these men; but as they who are to wrestle, or run a race, by degrees prepare themselves by diet and lesser essays for the main exercise, so these judges enter themselves, and harden their hearts, by more particular trespasses upon the law—by imposition and taxes upon the merchant in trade, by burdens and pressure upon the gentry by knighthood—before they could arrive at that universal destruction of the kingdom by ship money; which promised them reward and security for all their former services, by doing the work of a parliament to his Majesty in supplies; and seemed to elude justice in leaving none to judge them, by making the whole kingdom party to their oppression.”

Popular sympathy for Judge Hutton.

Hyde's speech against the Judges.

Clauses 27, 28, 29, 30, 33, 34, and 35. chant shared with the mass of his countrymen. As with the Petition of Right, which had been solemnly enacted only eight months before, so it fared with the statutes against monopolies and projectors, won by as hard a struggle in the fourth parliament of James, and which now had been the law for many years. Again had monopolies and protections of every kind sprung up into existence, and the whole community smarted and groaned under them. There were monopolies of soap, of salt and saltpetre, of wine, of leather, of coals; literally, of everything in most common and necessary use; and, as the immediate and universal consequence, not merely were the most extravagant prices required to be paid for everything so protected, but articles of the worst quality, and subject to the basest adulterations, were sure to be supplied. Purveyors, clerks of the markets, saltpetre men,\* became bye-words of petty oppression. Not only a man's unavoidable daily wants, but his trade, his employment, his habitation, anything, served as the pretext for some vexatious restraint to his liberty. If he would build near London, he found such building was adjudged a nuisance, and had to pay some projector for permission to inflict the nuisance on his neighbours. If he would trade at sea, he was surprised, even there, by the projector, as by a foreign enemy. Merchants commonly were prohibited from unlading their goods in ports for their own advantage, and

Mono-  
polies  
revived:

all neces-  
saries of  
life pro-  
tected and  
debased.

Restraints  
on enter-  
prise.

\* Bullstrode Whitelocke moved and carried, in the House itself, this addition of "the abuses of Purveyors and Salt-petre men."

compelled to unlade in places for the advantage of monopolisers and projectors. There was also a scheme of brass money set on foot\* which would have had the effect of beggaring the whole kingdom at a stroke, by summary and simultaneous process. And when some solitary citizen was occasionally moved to resistance, it was but to discover that what he had imagined to be courts of law for the determination of the subjects' rights, were now become courts of revenue to supply the treasury of the King. The common result of such resistance was long and hard imprisonment; loss of health to many, loss of life to some; and theirs was an enviable lot, who escaped with the mere breaking up of their establishments and the seizure of their goods.† The points so dwelt

Debase-  
ment of  
currency.

Courts of  
law be-  
come  
courts of  
royal  
revenue.

\* "About the month of July, 1638, there was a project on foot for brass money. It was solemnly debated whether it be for his Majesty's service to coine brass money, and to make the same currant within his dominions."—*Diary of Rous*, p. 95. Of the consequences that must immediately have ensued upon this wicked proposal to debase the coin of the realm, it is needless to speak; but some of them are detailed in a paper printed by Rous, pp. 95—98. Lord Falkland made a happy allusion to the brass project in one of his resolute speeches against the bishops, while yet he acted on that question with Hampden and Pym. "As some ill ministers in our State first took away our money from us, and after endeavoured to make our money not worth the taking by turning it into Brass by a kind of anti-philosopher's stone—so these men used us in this point of preaching: first depressing it to their power, and next labouring to make it such as the harm had not been much if it had been depressed."

Falk-  
land's  
reference  
thereto.

† The state to which in this respect the kingdom had been brought was briefly and forcibly expressed by Mr. Harbottle of Grimston, the member for Colchester, subsequently Master of the Rolls and Speaker of the Parliament that welcomed back Charles the Second, in one of the great debates on grievances. "Sir," he said, "by some judgments lately obtained in

upon were in the 27th, 28th, 29th, 30th, 33rd, part of the 34th, and the 35th clauses.

Clauses

23, 24, 25,  
26, and 32.

From the private wrong the public grievance is of course rarely separable; but here it happened frequently that the one received peculiar exasperation from the other, and a striking instance was alleged in the monopoly of gunpowder. So high was the rate set upon gunpowder, that the poorer sort of people were unable to buy it; so strict was the protection, that without a license it was not procurable at all; and, besides the unlawful advantages thus permitted to individuals, many parts of the kingdom were left in consequence utterly without defence.\* It resulted, in fact, in one of the heaviest wrongs inflicted on the commonwealth. The Trained Bands were generally discouraged in their exercises, the country began to lose its martial spirit, and several bodies of militia in the counties had their arms taken away. Belonging also to the same class of

Gun-  
powder  
mono-  
poly:

Trained  
bands dis-  
couraged  
thereby.

“ courts of justice, and by some new ways of government lately started up amongst us, the law of property is so much shaken that no man can say he is master of anything. All that we have, we hold but as tenants by courtesy and at will, and may be stripped of at pleasure.”

\* It was moved by J. C. (Sir John Clotworthy) in the House that the gunpowder monopoly should be specially entered “ as it was a project for disarming of the kingdom.” Another J. C. (Sir John Culpeper), unhappily now the fiercest opponent of the Remonstrance, had strongly pressed this as a grievance at the opening of the Long Parliament. “ However little it may seem *primâ facie*, sir,” he said, with admirable sense and shrewdness, “ upon due examination it will appear a great grievance, that enhancing of the price of gunpowder whereby the Trained Bands are much discouraged in their exercising . . . Mr. Speaker, the Trained Band is a Militia of great strength and honour, without charges to the King, and deserves all due encouragement.”

Culpeper  
on pro-  
tection of  
gun-  
powder.

grievances, were such incidents as the breaking up of the forest of Dean, and the assignment to projectors, for supply of temporary needs, of the royal timber therein. One of the best store-houses of the kingdom for maintenance of its shipping was thus lost; nor was the grief of good subjects abated, when they saw it leased and sold to papists. And as public possessions were seized by private projectors, so was private land appropriated under pretences of public or royal title. The Crown lawyers put in claims incessantly to portions of estates between high and low water marks, against which the owners had no remedy;\* and commissions were granted under vexatious and all but obsolete statutes, by which, for the sole benefit of the rich, the poor were most heavily burthened.† Large quantities of Common, also, and several public grounds, were taken from the subject under colour of the statute of improvement, and by abuse of the commission of sewers. The 23rd, 24th, 25th, 26th, and 32nd clauses were thus occupied, the last having

Favours  
to papist  
projectors.

Seizures  
under  
Crown  
Commis-  
sions.

Commons  
taken  
from  
people.

\* Mr. Serjeant Wilde had moved in the House as to “the Destruction of Timber, especially in the Forest of Deane, and Clotworthy.” and consideration was moved to be added by J. C. (Sir John Clotworthy) of “the Entitling the King to the lands between the high-water and low-water mark.”

† “Here is at this present,” writes Garrard to the Lord Deputy Wentworth, “a Commission in execution against cottagers who have not four acres of ground laid to their houses, upon a statute made the 31 Eliz. which vexeth the poor people mightily, all for the benefit of the Lord Morton, and the Secretary of Scotland, the Lord Sterling; much crying out there is against it, especially because mean, needy, and men of no good fame, prisoners in the Fleet, are used as principal Commissioners to call the people before them, to fine and compound with them.”

Plunder  
of the  
poor.

been specially inserted at the urgent representation of Cromwell.\*

Clauses 38, 39, 40, 41, 42, 43, 46, and 47. The steps by which the ordinary courts of judicature had become meanwhile so degraded, as to render possible the prolongation of this lawless time, are succinctly detailed in the 38th, 39th, 40th, 41st, 42nd, 43rd, 46th, and 47th clauses. The patents of the judges were altered; and the condition of absolute servility, *durante bene placito*, took the place of that which might imply at least moderate independence, the *quamdiu se bene gesserit*. Some few judges were displaced for refusing to betray their oaths and their consciences; † nearly all the rest were overawed into treachery to both; the ordinary approaches to justice were interrupted or foreclosed; ‡ and they who should have been as dogs to defend the sheep, became the very

Patents of the Judges altered.

Justice intercepted.

Commissions.

\* "The Commission of Sewers to be farther explained" are the terms of a notice given in the House by Cromwell. This, and the Commission for Depopulations, were often indignantly recurred to, both by Pym and Cromwell.

Alleged defects in title deeds.

† The opportunities for violating both were unceasing. Under the pretext of curing defects in titles of land, a proclamation was issued proposing to grant new titles on payment of a reasonable composition; the alleged flaws to be tried by judges empowered, without appeal, to establish the objections; and whoever declined to avail himself of this facility for being plundered, was threatened in no measured terms with the seizure and utter loss of all belonging to him.

Anecdote of a Judge.

‡ "Sir," said Mr. Harbottle Grimston, in one of his able speeches on grievances at the opening of this parliament, "I will tell you a passage I heard from a judge in the King's Bench. There was a poor man committed by the Lords, for refusing to submit to a project; and having attended a long time at the King's Bench bar upon his habeas corpus, and at last pressing very earnestly to be bailed, the judge said to the rest of his brethren, 'Come, brothers,' said he, 'let us bail him; for they begin to say in the town, that the judges have overthrown the Law, and the bishops the Gospel.'"

wolves to worry them. If a lawyer showed fidelity to his client in any question affecting the Crown, he was marked by the court disfavour. Solicitors and attornies were repeatedly threatened, and not seldom were punished, for prosecuting the most lawful suits. New oaths were forced upon the subject. Undue influences were employed to make juries find for the King. Men found themselves suddenly, in their freeholds and estates, their suits and actions, bound and overruled by orders from the Council Table.\* Old judicatories, as the Chancery, the Exchequer Chamber, the Courts of the Household,† the Court of Wards, and

Law and lawyers degraded.

Old jurisdictions abused.

\* “The Council Table bit like a serpent; the Star Council Chamber like scorpions. Two or three gentlemen could not stir out, for fear of being committed for a riot. Our souls and consciences were put on the rack by the Archbishop. We might not speak of Scripture or repeat a sermon at our tables. Many godly ministers were sent to find their bed in the wilderness. The oppression was little less in the lower courts and in the special courts.”—Speech by Sir Arthur Haselrig in Richard Cromwell’s parliament, Feb. 1658-9. Clarendon reports it as not merely an ordinary saying but a regular principle of conduct with Finch, sworn in to the high office of Lord Keeper in January, 1639-40, that while he was Keeper, no man should be so saucy as to dispute orders of the Council Board; but that the wisdom of that Board should be always ground enough for him to make a decree in Chancery. *Hist.* i. 131.

† Of the kind of courts thus recklessly allowed to override or supersede the ordinary courts of judicature, a remarkable instance occurs in the *Verney Papers*, where a reprieve appears signed by Secretary Windebank for “one Elizabeth Cottrell, condemned to death at the Verge holden on Thursday last for stealing one of his Majesty’s dishes,” and serving notice to the Treasurer and Comptroller of the Household to stay the execution. But most undoubtedly no authority existed, even in the two infamous Tudor statutes creating criminal courts within the royal precincts, by which Charles the First’s Treasurer or Comptroller was empowered to try, convict, and capitally sentence any English subject. Mr. Bruce has properly pointed out that the only criminal cases

Board tyranny. |  
Policy of Keeper  
Household.

Courts of the Household. p. 182.



New  
Courts  
created.

the Star Chamber, were enlarged so as grievously to exceed their proper jurisdiction; and new judicatories, such as the Court of the Earl Marshal, were created without a pretence of legality. No man who was in favour at Whitehall, any longer cared or needed to seek justice except where justice might be fitted to his own desire; and the rules of common law, which had survived through centuries of comparative barbarism, began to lose their certainty and efficacy in this brief term of twelve miserable years.\*

Rules of  
law un-  
settled.

Clauses  
37, 51, 52,  
53, 54, and  
55.

The 37th clause dealt with the Star Chamber, and recited the fines, imprisonments, banishments, stigmatizings, whippings, gags, pillories, and mutilations,† which it adminis-

Death  
for steal-  
ing royal  
dish.

to which the limited jurisdiction of the Tudor Courts could possibly apply, were those of members of the royal household conspiring to kill the King or any great officer of the state, or shedding blood within the limits of the palace. To punish capitally the theft of one of his Majesty's dishes, even though committed by a servant of the royal household (which Elizabeth Cottrell presumably was), is a notion that could only have entered into the projects and arrangements of the most lawless government that England had ever known.

Notices  
for inser-  
tions in  
Remon-  
strance.

\* Several notices of motion for additions to the Remonstrance, given after its introduction into the House, had reference to these subjects. I subjoin a few such notices :

“ The Courts of Wards.”

“ The Jurisdiction of the Council of the Marches.”

“ The Council Table, as they take cognizance of *me* and *te*.”

“ The Buying and Selling of Honours and Dignities.”

*Smyth*, the signature attached to the first, was doubtless Henry Smyth, the member for Leicesterhire, who survived the vicissitudes of the eight following years, and sat on the trial of the King.

Tragedies  
of Batt-  
wick,

† The bloody tragedies of Bastwick, of Burton, and of Prynne,—men of spotless reputation in their several learned callings, and whose offence was simply to have claimed the commonest right of freemen,—are well known, and cannot to

tered to cases of conscience. Nothing was too trivial, nor anything too grave, to escape its tyranny;\* and they were fortunate who, once within its clutches, were again restored safely

Ecclesiastical  
tyranny.

this day be read without a burning sense of irritation and amazement that even the much-enduring English people could have possessed their souls in patience, under so many years of such a government. Thomas May, the historian of the Parliament, has a pregnant remark upon the subject. "It seemed, I remember, to many gentlemen (and was accordingly discoursed of), a spectacle no less strange than sad, to see three of several professions, the noblest in the kingdom; Divinity, Law and Physick, exposed at one time to such an ignominious punishment, and condemned to it by protestant magistrates, for such tenets in religion as the greatest part of protestants in England held, and all the reformed churches in Europe maintained." (Lib. 1. cap. 7.)

Burton,  
and  
Prynne.

And this feeling it was, stored up in the minds and hearts of the people, that found afterwards such terrible vent. Yet the few leading names, such as Leighton's and theirs, which live in the history of such persecutions, are of course but the type of countless others, the record of whose sufferings has perished. Here is a marginal notice from *Rous's Diary* as of one of the commonest incidents of the time. "Many great censures in the Starre Chamber. Tubbing's case. Tubbing lost one eare at Westminster, and, ere he lost the other in Norfolk, he died in prison in London." Rous was a clergyman of Suffolk; a man apparently of supreme silliness and dulness, and who had no opinions worth mention on any subject, to trouble either himself or his neighbours with. The only merit of his *Diary* (and this but scant) is to collect pieces of gossip, and so preserve evidences of popular facts or feelings, quite above the colour of suspicion on the ground of any popular sympathies in the gossip himself.

Mutilations for  
conscience  
sake.

Rous's  
*Diary*,  
p. 86.

\* "When," said Mr. Bagshaw, member for Southwark, in his speech at the meeting of the Long Parliament, "I cast my eyes upon the High Commission and other Ecclesiastical Courts, my soul hath bled for the wrong and pressure which I have observed to have been done and committed in these Courts against the King's good people. I have some reason to know this, that have been an attendant to the Court these five years, for myself and a dear friend of mine, sometime knight of our shire, for a mere trivial business. The most that could be proved against him was the putting on his hat in the time of sermon." But, alas! Mr. Bagshaw yielded afterwards to Hyde's temptations, and joined the party of the King.

I Case of  
a hat.

Star  
Chamber

High  
Commis-  
sion and  
Council  
Table.

Bishops'  
Courts.

People  
driven  
beyond  
seas.

Extent of  
the emi-  
gration.

to their friends and to their callings; thrice happy, if not separated for ever from the studies they cherished and the associates they loved. Yet, even so administered, the Star Chamber still fell short of the perfect tyranny which the Primate sought to establish over opinion and conscience throughout England. It was not until the severity of the High Commission, yet further sharpened by the rigour of the Council Table, had brought the Star Chamber at last into the form and uses of a Romish Inquisition, that Archbishop Laud at length seemed satisfied (51, 52, 53, 54, and 55). And while its suspensions, excommunications, deprivations, and degradations, fell daily upon learned and pious ministers, whose zeal marked them out in its metropolitan jurisdiction, Bishops' Courts were established throughout the country on a similar model, which, though not reaching so high in extremity of punishment, made themselves more generally grievous by the multiplicity of their vile persecutions. No man was now so poor as not to know what ecclesiastical domination meant. It lighted upon the meaner sort of tradesmen. It struck the industrious artificer. It impoverished by thousands large classes of the people. And those whom in that respect it spared, it yet so afflicted and troubled, that great numbers departed, with all that they possessed, into Holland, into New England, into whatsoever land or waste beyond the sea the oppressed conscience might hope for freedom. Such was the extent of this emigration, that it was felt in that spring and fountain of English wealth, the

woollen-cloth manufacture, as well by the transport abroad as by diminution of the stock at home.

The clauses remaining to be enumerated in this section of the Remonstrance, the 48th, 50th, 56th, 57th, 58th, 59th, and 60th, spoke of appointments to offices; of distributions of preferments; of tamperings with the magistracy; and of the predominance at the Council Table of one or two favoured Ministers, by whose counsels all others were negatived or overruled. The divines selected for promotion in the Church were those in whose pulpits the prerogative had been preached above the law, superstitious formalities elevated above religion, and the property and rights of the subject most decried;\* and it became quite the fashion to put forth these doctrines in public and solemn sermons before the King.† The sheriffs in the several counties were no longer named in the usual course; but, when they escaped being the victims of oppression, were made its instruments. They were either pricked for sheriffs as a punishment and charge, or as mere agents or commissioners ‡ to execute

Clauses 48, 50, 56, 57, 58, 59, and 60.

Church preferments.

Pulpit doctrines.

Use and abuse of Sheriffs.

\* "Ministers in their pulpits," said Wentworth, talking in his days of patriotism, of the sovereign's monstrous claim to the subject's estate, "have preached it as gospel, and damned the refusers of it."

† I find in the Journals of the 10th of November, a notice of motion for insertion in the Remonstrance, to which no name is attached, of "The sermons preached in divers places before the King that the subject had no property in his estate."

‡ Adverting to the common and ordinary instructions of the Council to the various Commissions they issued against the subject, that they should "proceed according to their discretion" it had been well said in the House by Hyde himself:

Royalist preachers.

Hyde on the Council.

Treat-  
ment of  
patriots :

what the Council would have to be done. So, no less, it fared with the magistracies and places of great trust in the counties. Whosoever had shown the wish to maintain religion, liberty,

cil of the  
North.

“ Such a confusion hath this ‘discretion’ produced, as if discretion were only one remove from rage and fury. No inconvenience, no mischief, no disgrace, that the malice, or insolence, or animosity of these commissioners had a mind to bring upon that people [he is speaking of the assumed jurisdiction of the Court of York], but, thro’ the latitude and power of this ‘discretion,’ the poor people have felt. This ‘discretion’ hath been the quicksand which hath swallowed up their property, their liberty. I beseech you, rescue

Anecdote  
of Hyde  
at York.

“ them from this ‘discretion.’” Mr. Hyde took great pride to himself in after years for his patriotic exertions in this matter, and with infinite self-complacency tells us how, on his joining the King at York on the eve of the war, he became curiously aware of the impression which his exposure of the “ Council of the North” had made in that ancient city. One of the King’s servants had taken a lodging for him before his arrival, which he found to be an excellent lodging; and, in the greatest good humour therewith, he was undressing for bed, when his own servant came up to him from a lower room in much alarm, protested that the people of the house must be mad, and entreated him to leave the place at once. By no means disposed to quit hastily such comfortable quarters, he insisted upon the why and wherefore, to which the man replied that nothing could be more civil than the conduct of the people at first; and that he was himself made welcome in the room below, occupied by the mistress of the house; and that, sitting together there quite pleasantly, “ she asked him what his master’s name was, which

Trouble  
at his  
lodgings.

“ he told her. *What!* said she: *That Hyde that is of the House of Commons!* And he answering Yes, she gave a great shriek, and cried out that he should not lodge in her house: cursing him with many bitter execrations. Upon the noise, her husband came in; and when she told him who it was that was to lodge in the chamber above, he swore a great oath that he should not; and that he would rather set his house on fire than entertain him in it. . . . He knew him well enough: he had undone him, and his wife, and his children!” Such was the servant’s account, with more oaths, and flaming of doors, than may here be dwelt on; and for which, on Mr. Hyde’s resolving nevertheless to wait till morning to try and find out some rational explanation, the next day brought reason enough. “ The man of the house had been an Attorney in the Court of the President and Council of the North, in great reputation and practice

Landlady  
curfes and  
abuses  
him.

The  
mystery  
explained.

and the laws, were weeded out of the commif-  
 fion of peace, and all employments of influence  
 in their diftricts; which afterwards paffed, by  
 fecret bribery or open purchafe, into the leaft  
 worthy hands. Titles of honour, ferjeantfhips  
 of law, and places affecting the common juftice  
 of the kingdom, were made matters of open  
 bargain in this way, paffing to men of the  
 weakeft parts; and of courfe what were ill  
 gotten were ill adminiftered and ill ufed. Nor  
 did the courfe of terrorism and corruption, thus  
 taking in the middle and higher grades, and  
 already ftretching down, as we have feen, to  
 the loweft, ftop upward until the higheft were  
 reached. It had its confummation only at the  
 very council-table of the King. There fat  
 counfillors, who were counfillors only in name;  
 and whofe fole ufe was to confirm, in a few,  
 the real power and authority. Though other-  
 wife perfons of never fo great abilities and  
 honour, whofever opposed thofe few were

excluded  
 from  
 offices and  
 honours.

Terrorifm  
 and cor-  
 ruption.

Strafford's  
 and  
 Laud's

“ there; and thereby got a very good livelihood, with which  
 “ he had lived in fplendour; and Mr. Hyde had fat in the chair  
 “ of that Committee, and had carried up the votes of the Com-  
 “ mons againft that Court, to the Houfe of Peers, upon which  
 “ it was diffolved.” (*Life*, i. 149-152.) Another trait of  
 the time worth preferving may be taken from the fame part  
 of Clarendon's recollections. Rapidity of communication  
 had then become of vital neceffity to the king's fervice, and  
 he takes occafion to mention the marvellous fpeed wherewith  
 it had become poffible to accomplifh the journey between  
 London and York. It is (even to us in thefe days) remarkable.  
 “ It was a wonderful expedition that was then ufed between  
 “ York and London, when gentlemen undertook the fervice,  
 “ as enough were willing to do; infomuch as when they  
 “ difpatched a letter on Saturday night, at that time of the  
 “ year (end of April), about twelve at night, they received  
 “ always the King's anfwer, Monday by ten of the clock  
 “ in the morning.” *Life* i. 135.

Travel-  
 ling  
 between  
 London  
 and York.

predomi-  
nance at  
council.

marked out for discountenance and neglect; and the resolutions of state which were brought to the table, were not offered for debate and deliberation, but merely for countenance and execution.

Clauses  
61-67.

Such being the state of the kingdom in the closing months of 1639 (I now proceed to state the substance of the next 15 clauses, from the 61st to the 75th inclusive), all things appeared ripe for putting the finishing touches to the great design of the leading men, the few just named, which, as was now made sufficiently obvious, had three distinct parts. A solemn adjudication of ship-money had been lately obtained; and the Government was to be set free from all restraint of laws in regard to persons and estates. There must be an identification (only not as yet to be called Popery) betwixt Papists and Protestants, in doctrine, discipline, and ceremonies. And the Puritans,\* who remained still as the English wall or partition flung up against Rome, must be either rooted out of the kingdom with force, or driven out by fear (61, 62, 63, 64). The main stumbling-block to the entireness of the plan was Scotland; and Laud, bent on doing the work thoroughly, now struck in there with his service book, his new canons, and his liturgy. The Scots resisted; the Archbishop

Design  
of the  
Court.

Puritans  
the par-  
tition  
against  
Rome:

to be flung  
down.

Who  
were  
called  
Puritans.

\* "Whosoever squares his actions by any rule, either divine  
" or human, he is a Puritan; whosoever would be governed  
" by the King's laws, he is a Puritan; he that will not do  
" whatsoever other men would have him do, he is a Puritan.  
" Their great work, their masterpiece, now is, to make all  
" those of the true religion to be the suspected party of the  
" kingdom."—*Sir Benjamin Rudyard*, Nov. 7, 1640.

would not recede; and, occupying filently either side of the Tweed, two armies gradually arose (65, 66, 67). Scotch Rebellion.

But, when they were ready to encounter, counsels of fear, if not of prudence, led to the pacification of Berwick; which had however hardly been completed, when Strafford resumed his place at the council board, condemned the course that had been taken, and advised what he declared to be the Crown's last and best resource, the summoning of a parliament.\* Not indeed to give counsel and advice, but to restrict itself to the giving of countenance and supply; for, to men who had corrupted and distempered the whole frame and government of the kingdom, the attempt also to corrupt what alone could restore all to a right frame again, was become matter of safety and necessity. If the plan should succeed, and parliament be pliant, the session would be continued, and mischief established by a law. If it should fail, and parliament be stubborn, the session would at once be broken, and the Crown absolved for using foul means by the

Clauses  
68-75.

Strafford  
at the  
Council  
Board.

His rea-  
sons for a  
parlia-  
ment.

\* The subjoined is characteristic of the feeling of the time.

“The 27 of March, 15 Car. 1639, his Majestie rode through Roifston to Yorkeward, there to meete his army, &c. It was told me, April 1, that whereas it is an use to deliver billes to the sicke to be praid for in this manner; one from the church dore, perhaps in the throng, pulles another by the shoulder, and gives him the note or bill, he another &c. untill it come to [the] clerke; the clerke, at the preacher's comming into the pulpit, delivers them to him, &c. Some one had put up a bill which the preacher wold not reade, but let it fall. The bill was thus: *John Commonwealth's-man of Great Britaine, being sicke of the Scottish disease, desires the prayers of this congregation for a parliament.*”—*Diary of Rous, 88.*

Diary of  
Rous,  
March,  
1639.

Prayers  
for a par-  
liament.



His Irish  
levies  
against  
the Scots.

pretence of having endeavoured to use fair (68, 69, 70, 71, 72). Simultaneously with the issue of writs, went forth levies for a new army, with fresh acts of violence against the Scots. At the same time, Strafford, passing over into Ireland, called together a parliament in Dublin; wrested from it four subsidies; and, without concealing the purpose for which they were designed, summoned levies of eight thousand foot and one thousand horse from the well-appointed army, chiefly of Papists, which he had been able to raise in that kingdom (73, 74, 75).

#### 4. *The Short Parliament and the Scottish Invasion.*

Clauses  
76-78.

THE meeting of the Houses at Westminster on the 13th April, 1640; the demand of twelve subsidies for the release of ship-money alone; the temperate tone of both the Commons and the Lords, and the sudden and intemperate dissolution; occupy clauses 76, 77, and 78. The next twenty-six, from the 79th to the 104th inclusive, describe the momentous interval before the assembling of the Long Parliament.

Clauses  
79-84.

Strafford's  
Fatal  
counsel:

On the very day of the dissolution of the Parliament of April, the King's most powerful Counsellor advised that he was now absolved from all rule of government, and entitled to supply himself out of his subjects' estates without their consent.\* A vigorous levy of

\* This memorable advice, which cost Strafford his head, was given on the 5th May 1640; and it was from the notes

ship-money was accordingly ordered ; a forced loan was set on foot in the city of London ; a false and scandalous Declaration against the House of Commons was issued in the King's name ; on the day following the dissolution, some members of both houses had their studies and cabinets, " yea, their pockets," searched ;\* and soon after, for having maintained the privilege of parliament, one of the members of the lower House was committed from the Council Table. Harsher courses were contemplated, and the report of them went abroad ; but the sickness of the Earl of Strafford, and a tumultuous rising in Southwark and about Lambeth,† were supposed to have intercepted

its results.  
Dissolu-  
tion of  
Short Par-  
liament.

of the elder Vane, taken that day at the Council Table, and subsequently found by his son and handed to Pym, that the evidence was obtained against him.

\* " Sir William Beecher was committed to the usher of the blacke rod for not disclosing his warrant to serche the pockets of Erle of Warwicke, Lord Say, Lord Brooke, presently after the last parliament broken up. It was done the next morne to the Lord Say and Lord Brooke in bedde ; the Lord Brooke's lady being in bedde with him. The King at length affirming that he commanded it, he was released."—*Diary of John Rous*, p. 101. Arrests of Parlia-  
ment men.

† " Upon the dissolution of the parliament (5th May, 1640) presently were two insurrections in one weeke, at Southwark and Lambeth ; in the first the White Lion pryson was broken and prisoners set free, &c. ; in the second, Lambeth House in hazard, &c. One man was taken, and hanged and quartered."—*Diary of John Rous*, p. 90. Clarendon tells us, (*Hist.* i. 253) that the reference to the Lambeth riots in the Remonstrance received modification during the debates. What he says is characteristic, as well for its dishonest reference to those riots (for which one man suffered execution), as for its allusion to Mr. Strode. " This infamous, scandalous, headless insurrection, quashed by the deserved death of that one varlet, was not thought to be contrived or fomented by any persons of quality, yet it was discovered after in the House of Commons by Mr. Strode (one of those Ephori who most avowed the curbing and Riots at South-  
wark and Lambeth.  
Allusions  
by Cla-  
rendon.

the execution of them. (79, 80, 81, 82, 83, 84.)

Clauses  
85-87.

Nevertheless they failed to turn aside the Archbishop from his eager and unswerving advance to Rome. Undaunted and undeterred by discontents and tumults, never did he and

Laud still  
moving to  
Rome.

the other bishops follow up that purpose more actively than in those six memorable months.

If any before could have doubted what they aimed at, now it was made plain to all. For now it was that, with the authority of a so-called provincial synod, canons were put forth declaring things lawful which had no warrant of law; justifying altar-worship, and other superstitious innovations;\* setting at defiance the usages and the statutes of the realm; trampling alike on the property and liberty of the subject, the rights of Parliament, and the prerogative of the King; and showing that they who would set the Crown above the

Crown  
above the  
Laws:

“suppressing of Majesty) with much pleasure and content; “and it was mentioned in the first draught of the first Remonstrance (when the same was brought in by Mr. Pym) “not without a touch of approbation, which was for that “reason somewhat altered, though it still carried nothing of “censure [judgment] upon it in that piece.” It is quite true, as Clarendon alleges, that only one man suffered death for this disturbance, but it was not the clemency of the Government, but of one of the few upright judges of the day, which had prevented other capital prosecutions. “Judge Reeve,” says Rous, November, 1640, “this summer assizes did in “Southwarke refuse to proceede upon the inditement of one “of the Lambeth tumult, saying he wold have no hand in “any man’s blood; but, because the fellow had been busie, “&c. remitted him to prison againe.” *Diary*, 101.

An honest  
judge.

Sir Ben.  
Rudyard.

\* “They would evaporate and dispirit the power and “vigour of religion by drawing it out into solemn specious “formalities, into obsolete antiquated ceremonies new furnished up.”—*Sir Benjamin Rudyard*, 7th Nov. 1640.

laws, would also set themselves above the Crown. They imposed new oaths; they taxed the great mass of the clergy for the King's supply;\* they fomented the quarrel with Scotland, which they fondly styled *Bellum Episcopale*;† they composed, and enjoined to be read in the churches, a prayer against the Scots as rebels, of which the object was to drive the two nations to irreconcilable bloodshed; and, above all, upon authority of their pretended canons and constitutions, they proceeded to such extremities of suspension, ex-communication, and deprivation against good ministers and well-affected people, as left the passage easier than it yet had seemed to their design of reconciliation with Rome. (85, 86, 87.)

Mitre  
above  
Crown.

Church  
oppression.

For it was part of the design that the Papists at this time should receive peculiar exemptions from the penal laws, besides many other encouragements and court favours.‡ They

Clauses  
88-94.

\* "Sir, imagine it!" exclaimed Mr. Harbottle Grimston. "See what a pitch they have flown! A synod called together upon pretence of reconciling and settling controversies in religion, take upon themselves the boldness, out of parliament, to grant subsidies and to meddle with men's freedoms! I say, the like was never heard of before; and they that durst do this will do worse, if the current of their raging tyranny be not stopped in time."

Grimston.

† In the last great debate on the Remonstrance, Falkland (of all men in the world) took objection specially to this passage; feeble and faint transcription as it is, of what, some few months earlier, he was never himself wearied of urging and repeating in fiery and passionate speeches.

Falkland.

‡ The celebration of mass, though illegal, was openly connived at; but woe to the Protestant who declined attendance at his parish church because he would not bow to the altar! He was punished first by fine, and, on a repetition of his refusal, by transportation. "It hath been more dangerous,"

Mass con-  
nived at:

Designs  
and power  
of Papists

Secret  
meetings.

conven-  
ticles  
made cri-  
minal.

Favour  
to Papists.

Matters  
subject to  
mono-  
poly.

possessed, in the King's secretary of state, Sir Francis Windebank, a powerful agent for speeding all their desires.\* They had a resident Pope's Nuncio, by whose authority, under direct instructions and influences from Rome itself, all the most influential of the nobility, gentry, and clergy of that persuasion held secret convocations after the manner of a parliament. So led and strengthened, they erected

exclaimed Falkland, in his speech upon grievances in the Short Parliament, "for men to go to some neighbour's parish when they had no sermon in their own, than to be obstinate and perpetual recusants. While masses have been said in security, a conventicle hath been a crime; and, which is yet more, the conforming to Ceremonies hath been more exacted than the conforming to Christianity." In like manner the Roman Catholics were singled out for special concessions of monopolies. "They grew," says Clarendon, "not only secret contrivers but public professed promoters of, and ministers in, the most grievous projects; as that of soap, formed, framed, and executed by almost a corporation of that religion, which, under that license and notion, might be, and were suspected to be, qualified for other agitations" (i. 262). Fancy the monopoly of such a necessity as soap in the hands of a corporation of Roman Catholics, using it to impose the worst articles at the highest price upon all classes of the people! "Continual complaints rise up," writes Garrard to Lord Deputy Wentworth, "that it burns linen, scalds the laundress's fingers, and wastes infinitely in keeping, being full of lime and tallow." And fancy the same sort of thing going on with respect to every conceivable thing on which a tax could be laid, or out of which a monopoly could be formed! Salt, starch, coals, iron, wine, pens, cards, dice, beavers, belts, bone-lace, meat dressed in taverns (the vintners of London gave the King 6000*l.* for freedom from this horrible imposition), tobacco, wine casks, game, lamprons, brewing and distilling, weighing of hay and straw in London, guaging of red herrings, butter-casks, kelp and seaweed, linen cloth, rags, hops, buttons, hats, gut-string, spectacles, combs, tobacco-pipes, sedan chairs, and hackney coaches (now first invented), saltpetre, gunpowder, down to the privilege of gathering rags exclusively—all these things were subject to monopolies, and all heavily taxed!

\* For proof in all respects confirmatory of this statement, see Clarendon's *History*, i. 311-12.

new jurisdictions of Romish Archbishops; levied taxes; secretly stored up arms and munition; and were able to set in motion such powerful agencies, at the Court and in the Council, that it actually there became matter of debate whether or not to issue to some great men of the party, under private conditions and instructions, a commission for the raising of soldiers. And thus there was moulded within the English State another State independent in Government, opposed in affection and interest, secretly corrupting the careless, actively combining against the vigilant, and in this posture waiting the opportunity to destroy those whom it could not hope to seduce.\* (88 to 94 inclusive.)

Agencies at Court and in Council.

*Imperium in imperio.*

\* Let me illustrate what is said in the text by one of the most masterly expositions ever made of the true state of the case, and of the real issue that was then to be determined. "Sir," said Sir Benjamin Rudyard, in perhaps the most eloquent of all the speeches delivered in the great debates of November 1640, "if we secure our Religion, we shall cut off and defeat many plots that are now on foot by them and others. Believe it, Sir, Religion hath been for a long time, and still is, the great design upon this kingdom. It is a known and practised principle, that they who would introduce another religion into the Church, must first trouble and disorder the government of the State, that so they may work their ends in a confusion: which now lies at the door. . . . I have often thought and said, that it must be some great extremity that would recover and rectify this State; and when that extremity did come, it would be a great hazard whether it might prove a Remedy or Ruin. We are now, Mr. Speaker, upon that vertical turning point, and therefore it is no time to palliate, to foment our own undoing. . . . To discover the diseases of the State is (according to some) to traduce the Government; yet others are of opinion that this is the half-way to the cure. . . . Men that talk loudly of the King's service and yet have done none but their own, that speak highly of the King's power yet have made it a miserable power producing nothing but weakness, these are they who have always peremptorily

Speech by Rudyard.

State and Church grievances inseparable.

Clauses  
95-104

Prisons  
full.

Non-  
parlia-  
mentary  
supply  
exhausted.

Discon-  
tent of  
Lords:

Ruin of  
old mon-  
archy.

Yonge's  
Diary.

But a crisis came unexpectedly. At the moment when any further illegal pressure on the subject seemed hopeless, his Majesty's treasure was found to be consumed, and his entire revenue to be anticipated. Though the prisons were filled with commitments from the Council Table,\* yet "multitudes" who had refused illegal payments still hung in attendance at its doors. Several of the sheriffs had been dragged up into the Star Chamber from their respective counties, and some had been imprisoned for not having levied ship-money with sufficient vigour. In a word, the source of non-parliamentary supply was exhausted. The people, with no visible hope left but in desperation, languished, beginning to seem passive under grief and fear; and the King's chief advisers suggested a subscription to supply his wants, to which they made very large personal contribution. But the example was lost on the class to which alone, with any effect, the appeal could be made. For now the Nobility themselves, weary of their silence and patience, began to be sensible of the duty and trust which belonged to them as hereditary counsel-

"pursued one obstinate pernicious course. First, they bring things to an extremity; then they make that extremity, of their own making, the reason of their next action, seven times worse than the former. And there, Sir, we are at this instant. They have almost spoiled the best instituted Government in the world, for sovereignty in a king, for liberty to the subject; the proportionable temper of both which, makes the happiest State for power, for riches, for duration."

\* "Many are daily imprisoned for refusing to lend the King, so that the prisons in London are full; and it's thought they shall be sent and imprisoned in divers gaols in the country, remote from their own dwellings."—*Walter Yonge's Diary*, p. 105.

lors of the Crown ; and some of the most ancient of them petitioned his Majesty for the redress to which his subjects were entitled.\*

petition for Parliament.

\* This memorable Petition, which was afterwards the subject of special thanks in both Houses, which bore attached to it the names of the Earls of Bedford, Bristol, Hertford, Essex, Mulgrave, Paget, Warwick, and Bolingbroke, of the Viscounts Say and Seale, and Mandeville, and of the Lords Brook, and Howard of Escrick, has never been so correctly printed as in the copy now subjoined. Every word has its weight and value.

The York Declaration.

12/2/1642

“ The humble Petition of your Majesty’s most loyal subjects, whose names are here underwritten, in behalfe of themselves and many others.

‘ Most Gracious Sovereign :

‘ The sense of that duty and service which we owe unto your Majesty, and our earnest affection to the good and welfare of this your realm of England, have moved us, in all humility, to beseech your Majesty to give us leave to offer unto your most princely wisdom, the apprehension of which we, and other your faithful subjects, have conceived, of the great distempers and dangers now threatening the Church and State, and your Royal Person, and of the fittest means by which they may be removed and prevented.

‘ The Evils and Dangers whereof your Majesty may be pleased to take notice are these :

‘ 1. That your Majesty’s sacred person is exposed to hazard and danger in the present expedition against the Scottish armie : and by the occasion of this war, your revenues much wasted ; your subjects burthened with Coat and Conduct money, with Billeting of Souldiers and other Military Charges, with divers rapines and disorders committed in several parts in this your realm by the souldiers raised for that service ; and your whole kingdom become full of care and discontent.

Grievances of subject.

‘ 2. The sundry innovations in matters of Religion, the Oath and Canons lately imposed upon the clergy, and other your Majesty’s subjects.

Innovations in religion.

‘ 3. The great Increase of Popery ; and Employing of Popish Reculants, and others ill-affected to the Religion by Law established, in places of power and trust, especially in commanding of Men and Armes both in the Field and in sundry Counties of this your realm : whereas, by the Laws, they are not permitted to have Armes in their own houses.

‘ 4. The great mischief which may fall upon this kingdom, if the Intention, which hath been credibly reported,



Which Petition had yet borne no fruit, when the Scots, oppressed in their consciences, restrained in their trades, impoverished by the

‘ of bringing in of Irish and foreign forces should take effect.

Taxation without representation.

‘ 5. The urging of Ship-money, and prosecution of some sheriffs in the Star-chamber for not Levying of it.

‘ 6. The heavy charges upon Merchandize, to the discouraging of Trade. The multitude of Monopolies, and other Patents, whereby the Commodities and Manufactures of the Kingdom are much burthened, to the great and universal Grievance of your people.

‘ 7. The great grief of your subjects by the long Intermision of Parliaments, and the late and former Dissolving of such as have been called, without the happy effects which otherwise they might have produced.

Parliament the only remedy.

‘ For remedy whereof, and prevention of the danger that may ensue to your Royal person, and to the whole State,

‘ We do, in all humility and faithfulness, beseech your most excellent Majesty, that you will be pleased to summon a Parliament within some short and convenient time, whereby the cause of these and other great grievances which your people and your poor Petitioners now lye under, may be taken away, and the Authours and Councillours of them may be there brought to such Legal Tryal and condign punishment as the nature of their several offences shall require; and that the present War may be composed by your Majesty's wisdom without effusion of blood, in such manner as may conduce to the honour and safety of your Majesty's person, the content of your people, and the unity of both of your realms against common enemies of the Reformed Religion.’

“ And your Majesty's Petitioners shall always pray, &c.”

Story by Shaftesbury.

A singular anecdote is told of this petition on no less authority than that of the first Lord Shaftesbury. It occurs with his signature in Locke's Common Place Book (*King's Life*, i. 222), and other undoubted references by Shaftesbury to the same story (*Martyn's Life*, i. 115, 119), establish the authority: “ This petition,” he says, “ was presented to the King at York by the hands of the Lord Mandeville and the Lord Howard. The King immediately called a Cabinet Council, wherein it was concluded to cut off both the lords' heads the next day; when the Council was up, and the King gone, Duke Hamilton and the Earl of Strafford, general of the army, remaining behind, when Duke Hamilton, asking the Earl of Strafford whether the army would stand to them, the Earl of Strafford answered he feared not, and protested

First resolve of the Court:

seizure of their ships in English and Irish ports, and hopeless of satisfying the King by any naked unsupported supplication, forced the passage of the Tyne at Newburn with a powerful army; and having possessed themselves of Newcastle, there, out of brotherly love to the English nation, stayed their march, and gave the King leisure to entertain better counsels. A cessation of arms was determined upon for a certain fixed period, and all differences were referred in the interval to the wisdom and care of the Ancient Council of the nation. A Parliament was summoned to meet on the 3rd November, 1640. (95 to 104 inclusive.)

The  
Scotch  
invasion.

Parliament sum-  
moned:  
3d Nov.  
1640.

5. *Acts of the Long Parliament.*

THE great deeds done by this memorable assembly during the first twelve months of its existence, are then, in no boastful or vain-glorious spirit, detailed by their authors. History speaks to us, here, while yet in the very process of creation; and, by a rare privilege, records the actions of her heroes in language

Clauses  
105 & 110.

Heroes of  
the Long

“ he did not think of that before then. Hamilton replied, if we are not sure of the army, it may be our heads instead of theirs; whereupon they both agreed to go to the King and alter the Council, which accordingly they did.” There are some probabilities against the story, but at least it vividly reflects the popular belief of the singularly dangerous and critical turning point to which public affairs, and all actors in them, had then unquestionably come. I take the opportunity of Shaftesbury referring to the Papers respecting the first Lord Shaftesbury’s bury life, of which a portion has been lately published by Mr. Papers. Christie, as extremely interesting in themselves, and not unlikely to clear off some mists of exaggeration and prejudice from a famous historic name.

second  
thoughts.

Parliament.

Their talk.

Clauses  
106-109,  
and  
111-124.Two  
armies  
paid.Twelve  
subsidies  
raised.Grievances  
redressed.

they have themselves left to us. They do not understare the work they had to do; nor do they exaggerate their own power in doing it. All opposition, they remark, seemed to have vanished when first they met. So evident were the mischiefs, so manifest the evil of the counsellors responsible for them, that no man stood up to defend either. Yet very arduous was the work of reformation. The difficulties seemed to be insuperable, which by the Divine Providence they overcame: the contrarieties incompatible, which yet in a great measure they reconciled. (105 and 110.)

It was not only that the multiplied evils and corruption of sixteen years strengthened by authority and custom, and that the powerful delinquents whose interests were identified with their continuance, were together to be brought to judgment; but that two armies were to be paid, at a cost of near 80,000*l.* a month; that the King's household was to be supplied, in even its ordinary and necessary expenses; and that the people were yet to be tenderly charged, as already exhausted by unjust and gross exactions (106, 107, 108, and 109). And all this was done. During the year, twelve subsidies had been raised, to the amount of 600,000*l.*; yet had the kingdom been substantially no loser by those charges. Ship-money, which drew supplies almost without limit from the subject, was abolished. Coat and conduct-money, and other military assessments, in many counties amounting to little less than ship-money, were declared illegal and removed. Monopolies, of which but the leading few, such as soap, wine,

leather, and salt, prejudiced the common people to the amount of nearly a million and a half yearly, were universally suppressed.\* And, what was more beneficial than all, the root of these intolerable evils had been extirpated.

\* No one was more eager against the Remonstrance, or fought every stage of it with a more impassioned resistance, than Sir John Culpeper, so soon to be appointed Chancellor of the Exchequer (until Hyde was ready to assume that office, when Culpeper became a lord and Master of the Rolls); yet it was he who, at the meeting of the Long Parliament, had spoken that memorable speech against monopolies and projectors which might have supplied Sydney Smith with his famous diatribe on the universality of British taxation two hundred years later. "It is a nest of wasps, or swarm of vermin, which have overcrept the land; I mean the monopolers and polers of the people. Like the frogs of Egypt, they have gotten the possession of our dwellings, and we have scarce a room free from them. They sup in our cup, they dip in our polist dish, they sit by our fire. We find them in the dye-fat, the wash-bowl, and the powdering-tub. They share with the butler in his box. They have marked and sealed us from head to foot. Mr. Speaker, they will not bait us a pin. We may not buy our own clothes without their brokage." To illustrate the operation of some of these monopolies, a striking passage may also be taken from a speech of Pym's, in which he undertook to show that the gain of the King was wonderfully disproportioned to the loss of the Subject. "In France, not long since, upon a survey of the King's revenue, it was found that two parts in three never came to the King's purse, but were diverted to the profit of the officers and ministers of the Crown; and it was thought a very good service and reformation to reduce two parts to the King, leaving still a third part to the instruments that were employed about getting it in. It may well be doubted if the King have the like or worse success in England. For instance, he hath reserved upon the monopoly of wines thirty thousand pound rent a year; the vintner pays forty shillings a tun, which comes to ninety thousand pounds; the price upon the subject by retail is increased twopence a quart, which comes to eight pounds a tun, and for fifty five thousand tun brought in yearly amounts to three hundred and sixty thousand pounds; which is three hundred and thirty thousand pounds loss to the kingdom, above the King's rent!"

Monopolies  
abolished.

Culpeper  
against  
projectors.

Swarm of  
vermin.

Speech by  
Pym:

Small  
gain to  
King  
from large  
loss to  
Subject.

Taxation  
restored to  
Com-  
mons.

The judgment of both Houses, subsequently embodied in a statute, had put an end for ever to the arbitrary power pretended to be in the King, of taxing the subject, or charging their estates, without consent of their representatives in parliament. Judgment had been dealt, also, upon the living grievances; upon the evil counsellors, and actors, of treason to the commonwealth. The Earl of Strafford had perished on the scaffold. Lord Finch, the Lord Keeper, and Sir Francis Windebank, the Secretary of State, had taken flight into ignominious exile. Archbishop Laud and Judge Berkeley were lodged in the Tower. And such was the report gone forth of these memorable acts of retribution, that not the present only, but all future times, were like to find safety and preservation therein. (111 to 124 inclusive.)

Delin-  
quents  
punished

Clauses  
127-136,  
125 and  
126, and  
137-142.

Through ten succeeding clauses the great recital continued. The abolition of the Star Chamber, of the High Commission, and of the Courts of the President and Council in the North, as of so many forges of oppression, misery, and violence,\* was exultingly detailed.

Ralph  
Verney  
to James  
Dillon:  
1634.

\* To what extent these courts might be, and were, made to minister to oppression, could only be shown by a relation too particular for this place; but there is a letter from Ralph Verney to his friend James Dillon, describing Prynne's fine and punishment, which remarkably illustrates the reckless liberty of indulgence to private spleen and passion, on which they were all based, and by which all were governed. The judgment for a fine, as will be observed, was taken on the average of the various sums suggested.

1633—4. *February 26th.* "I did but even now receive a letter from you, wherein you desire an account of Mr. Prinn's censure. To satisfie you therein. He is to be degraded in the Univerſitie, diſbarred at the Innes of Court;

And those votes of both Houses were re-counted, which had taken away the immoderate power of the Council Table; had blasted for ever the design of overriding gospel and law by canons of the Church; had struck down the exorbitancies of Bishops and their courts; had punished scandalous ministers; had reformed the forest laws; had put an end to the encroachments and oppressions of the Stannary Courts; had abolished the extortions of the Clerk of the Market; had relieved the subject of the vexations of the old laws of knighthood; and, of all these and other as grievous public wrongs, left no more trace or vestige than might suffice to tell to future generations the story of the miseries they had occasioned.\* (127 to 136 inclusive.) In the same recital, but standing apart from the general statement of redress, was the mention made (125 and

Overthrow of tyranny :

Ecclesiastical and Civil.

How accomplished.

“ he was fined in foure thousand pounds by some, by others “ in 5,000<sup>l</sup>., in 6,000<sup>l</sup>., in 10,000<sup>l</sup>.; but which of these does “ now stand I cannot resolve you, because I counted not in “ which of these summes most of the Lords did agree; but I “ believe it was in 4000<sup>l</sup>.. He was withall condemned to the “ losse of his ears, whereof he is to part with one at Westmin- “ ster, with the other at Cheapside, where, whilst an officer “ doeth execution on him self, the hangman is to doe execu- “ tion on his booke, and burne it before his face. He is “ withall to suffer perpetuall imprisonment by the decree of “ the Starr Chamber. *There were of the lords, that counted “ this not enough; they would have his nose flitt, his arme “ cutt off, and penn and inke for ever withheld from him; but “ these were but sewe, and their censure stood not.*”

Prynne's punishment described.

\* A clause introduced in the course of this summary, having reference to the Court of Requests, was subsequently objected to by the liberal leaders, and on a division was rejected by 187 to 123 (this was the first division on the great day when the final vote was taken), Sir John Clotworthy and Sir Thomas Barrington being tellers for the majority, and for the minority, Mr. Stanhope and Sir F. Cornwallis.

Court of Requests division.

Two  
famous  
Statutes.

Other acts  
prepared :

titles and  
object  
thereof.

126) of the two memorable statutes, for triennial parliaments, and for prevention of any abrupt dissolution of the existing parliament, as constituting not only a remedy for the present, but a perpetual spring of remedies for the future ; and, closing the statement (137 to 142 inclusive), was a brief sketch or intimation of other contemplated measures, which the existence of those two safeguards had enabled them to prepare with some reasonable certainty of enactment even before the close of the session. Among them were laws and provisions for defining and settling the powers of the bishops ; for abating pride and idleness in the clergy ; for easing the people of needless and superstitious ceremonies ; for removing unworthy, and maintaining godly, preachers ; for so establishing the King's revenue, as both to cut off superfluities, and make more certain all necessary payments ; for so regulating courts of justice as to abridge both the delays and the costs of law ; for better settling of the currency, and equality of exchanges ; for increasing manufactures and facilitating trade ; for putting an end to the iniquities of presse-money ;\* and for so improving the herring fishery on their own coasts, as not only to give large employment to the poor, but to create and cherish a plentiful nursery of seamen.

Horror of  
impress-  
ment.

\* In the Schedule of Grievances, before referred to, appears  
“ the compelling some free-men, by imprisonment and threat-  
“ ening, to take presse-money ; and others, for feare of the  
“ like imprisonment, to forsake their place of habitation, hid-  
“ ing themselves in woods, whereby their families are left to  
“ y<sup>e</sup> charge of the parish, and harvest worke undone for want  
“ of labourers.” *Diary of John Rous*, p. 92.

6. *Practices of the Court Party.*

THEN arose, in connection with this men-  
tion of laws so desirable to be passed, the con-  
sideration of such and so many obstructions and  
difficulties then lying across the path to their  
accomplishment, as might still prove strong  
enough, and obstinate enough, to defy removal.  
The heart of the Remonstrance lay here ; and  
its authors made no secret of their aim in  
so shaping and directing it. The malignant  
party, they frankly declared, representing still  
the authors and promoters of all the miseries  
and wrongs therein described, had taken heart  
again. Even during the present parliament,  
that party had been enabled again to prefer to  
degrees of honour, and to places of trust and  
employment, some of its own factors and  
agents ; and had used this influence to work,  
in the King, ill impressions and opinions of  
the proceedings of the House of Commons :  
as if its members had altogether done their  
own work and not his, and had obtained from  
him many things very prejudicial to the Crown,  
both in respect of prerogative and profit. To  
wipe out which last-named slander, they thought  
it good to declare, that,—in voting 25,000*l.*  
a month for the relief of the Northern Coun-  
ties, in voting 300,000*l.* by way of brotherly  
assistance to the Scots, and in voting above  
50,000*l.* a month for the charge of the army,  
—all these sums, which, with the addition of  
monies yielded by assessments on merchandize,  
amounted to a million and a half sterling, had

Clauses  
143-153.

Obstruc-  
tions ex-  
pected.

Prefer-  
ment of  
evil coun-  
fellors.

Reproach  
against  
House :

of re-  
fusing to  
support  
the Crown.



been contributed to the greatness, the honour, and the support of the King. He was bound to protect his subjects; and his subjects might well have claimed exemption from contributing to the relief of burthens, created by the very wrongs inflicted on themselves. Yet, out of their purse since the present parliament met, had this million and a half been voted to his Majesty, by those very members of the House of Commons whom the ill-affected were now so "impudent" as to reproach with having done nothing for the King! (143 to 153 inclusive.)

A million and a half voted for the King.

Clauses 154-161.

Popular bills passed by King.

Four great acts recited.

As to the other reproach put forth to justify the slander, and touching mainly the question of prerogative, it was met with challenge as frank and resolute. While they acknowledged with thankfulness, and in the most impressive language, that the King had given his consent, during the preceding ten months, to more good bills for the advantage of the subject than had been in many previous ages, they yet claimed to remember the venomous councils which had since gone far to obstruct and hinder the benefits from these good acts. They proceeded to instance, one by one, the four statutes,—the Triennial Bill, the Bill for Continuance of the Parliament, and the two Bills for Abolition of the Star Chamber and High Commission,—singled out to establish the charge of having prejudiced the Crown in prerogative as well as profit (in none other could be found so much as the shadow of pretence for such a charge); and they declared themselves content to rest, upon no other than these four,

the issue whether or not they had been careful, ever, to avoid desiring anything that should weaken the Crown in its just profit or its necessary power. The Star Chamber and High Commission had ceased, for some time before their abolition, to bring in any considerable fines; and, fruitful to the last in oppression, were so no longer in revenue. The Triennial Bill had fallen short of what the ancient law, existing still in two unrepealed statutes appointing parliaments each year, would have justified them in demanding. And though there might indeed seem to have been, in the Bill against putting an end without its own consent to the Parliament then sitting, some restraint of the royal power in dissolving parliaments, it was to be remembered that the design of that statute was by no means to take the authority out of the Crown, but simply to suspend its operation for the specific time and occasion. Without it, the great pecuniary charges heretofore described could never have been undertaken: the first consequence whereof must have been, the giving up of both armies to confusion and of the kingdom to plunder; and the first and greatest sacrifice, that of the public peace and of the King's own security. (154 to 161 inclusive.)

No intention to weaken Crown by them.

Restraints necessary to safety.

Thus far the slander of the ill-affected had reached, in relation to the King. But it had taken also a wider range; and,—by such aspersions as that the House of Commons had spent much time and done little work, especially in the grievances concerning religion; and that it pressed itself upon the kingdom with peculiar

Clauses 162-168.

Slanders against

the Par-  
liament.

Danger of  
hasty judg-  
ments.

Compari-  
son with  
former  
parlia-  
ments.

Alleged  
excess of  
privilege.

burthens, not only by the voting of many subsidies heavier than any formerly endured, but by excess in the protections against suits and debts granted to its members,—the attempt had been made to damage, with the people, the reputation of their representatives, and to bring the English nation out of love with Parliaments. Yet was there truly a ready answer, if they to whom such slander was addressed would but look back and forward. Before they judged this Parliament, let them look back to the long growth and deep root of the Grievances it had removed, to the powerful supports of the Delinquents it had struck down, to the great necessities of the Commonwealth for which it had provided,—let them look forward to the many advantages which not the present only but future ages would reap, from the laws it had passed and the work it had accomplished,—and where was the indifferent judgment, to which its burthen laid upon the subject would not seem lighter than in any former example, and to which its time spent in deliberation would not appear to have been better employed than a far greater proportion of time in many former parliaments put together? In the only direction where it was possible that just reason for complaint might exist, already a bill was under discussion to provide a remedy; and any undue stretching of those protections\* from suit and arrest which were necessary to the discharge of the

\* “By which the debts from parliament men, and their followers, and dependants, were not recoverable.” *Clarendon, Hist.* ii. 55.

functions of a legislator, would now very speedily be removed. (162 to 168, inclusive.)

But what was the character of the men, and what their daily practices and efforts, by whom these slanders had been busily dispersed? They were the same men who most busily had sown division between the sister kingdoms, and striven to incense against each other the subjects of one Crown: Who had been able so to influence the bishops, and a party of Popish lords in the upper House, as to create those very obstructions and delays for which the lower House was assailed: Who had laboured, not unsuccessfully, to seduce and corrupt some even of the representatives of the people, and to draw them into combinations against the liberty of parliament: Who, by their instruments and agents, had tampered with the King's army for the same wicked and traitorous purpose, and had twice engaged in plots to bring up a force to overawe the deliberations of the House of Commons, and to seize the persons of its leaders: Whose designs with this view, as well in Scotland as in England, had still been defeated, before ripe for execution, by the vigilance of the well-affected; but who had been so far more successful in Ireland, that not till the very eve of the day when the main enterprise should have been executed at Dublin, was discovery made, by God's wonderful providence, of their scheme to possess themselves of that whole country, to subvert totally its government, to root out and destroy the Protestant religion, and to

Clauses  
169-180.

The party  
hostile to  
Parli-  
aments.

Intriguers  
with  
Army.

Promoters  
of Re-  
bellion.

The Irish tragedy. massacre all, without exception, of whatever sex or age, who were bred in it, or likely to be faithful to it. Which devilish design was so far pursued notwithstanding, that open rebellion had broken out in other parts of the Irish kingdom, many towns and castles had been surpris'd, many murders and villanies unutterable perpetrated,\* all bonds of obedience to the King and the laws shaken

\* It has been reserved for our own time, after such a lapse of years as might have seem'd to render wholly incredible the possibility of a recurrence of such horrors, to furnish a parallel to the unspeakable cruelties perpetrated in this Irish Rebellion. "The innocent Protestants" (I quote the historian May, no vehement or exaggerated writer) "were upon a sudden disseis'd of their estates, and the persons of above two hundred thousand men, women, and children murdered, many of them with exquisite and unheard of tortures, within the space of one month. . . Dublin was the sanctuary of all the despoiled Protestants, . . . and what mischiefs soever were acted in other parts, were there discovered and lamented. Their eyes were sad witnesses of the rebels' cruelty, in such wretched spectacles as daily from all parts presented themselves: people of all conditions and qualities, of every age and sex, spoiled and stripped . . . And besides the miseries of their bodies, their minds tortured with the losse of all their fortunes, and sad remembrance of their husbands, wives, or children, most barbarously murdered before their faces . . . But that part of this woful tragedy presented to the eyes was the least, and but the shadow of that other which was related to their ears, of which the readers and all posterity may share the sorrow. Many hundreds of those which had escap'd,—under their oaths lawfully taken upon examination, and recorded with all particulars,—delivered to the Council what horrid massacres the bloody villains had made of men, women, and children; and what cruel inventions they had to torture those whom they murdered; scarce to be equalled by any the most black and baleful story of any age. Many thousands of them at several places (too many to be here inserted), after all despites exercised upon them living, were put to the worst of deaths: some burned on set purpose, others drowned for sport and pastime; and if they swam, kept from landing with poles, or shot or murdered in the water: many were buried quick, and some set into the earth breast high, and there left to famish. But

Massacres  
of Irish  
Protest-  
ants.

Narrative  
by May.

off, and such a fire in general kindled, as nothing but God's infinite blessing upon the measures and endeavours now at this time in progress would be able to quench. And to that so miserable tragedy in Ireland, but for the great mercy of Providence in confounding former plots, this country of England would have been made to furnish the lamentable prologue. (169 to 180 inclusive.)

Intended prologue to tragedy in England.

### 7. Defence of the Popular Leaders.

“AND now,” proceeded this memorable

Clauses 181-191.

“most barbarous (as appears in very many examinations) was that cruelty which was showed to pregnant women, whom the villains were not content to murder, but— But I am loath to dwell upon so sad a narrative.” Lib. 2, cap. i. 14. Let a brief passage from the authentic *Rushworth* (Part III. vol. i. p. 416-7) complete the horror, and with it the appalling parallel to incidents which have plunged this living generation into mourning. “For such of the English as stood upon their guard, and had gathered together, though but in small numbers, the Irish fairly offered unto them good conditions of quarter, assured them their lives, their goods, and free passage, and as soon as they had them in their power, held themselves disobliged from their promises, and left their soldiers at liberty to despoil, strip, and murder them at pleasure . . . Their servants were killed as they were ploughing in the fields, husbands were cut to pieces in the presence of their wives, their children's brains were dashed out before their faces . . . their goods and cattle seized and carried away, their houses burnt, their habitations laid waste, and all as it were at an instant, before they could suspect the Irish for their enemies, or any ways imagine that they had it in their hearts, or in their power, to offer so great violence, or do such mischief.”

Narrative by Rushworth.

Clarendon's account.

Clarendon's own touching account (viii. 9, and elsewhere) of the barbarous circumstances of cruelty with which, in the space of less than ten days, an incredible number of protestants, “men, women, and children promiscuously, and without distinction of age and sex,” were murdered, must be familiar to every reader of his History.

Declaration, in language which its authors might fairly have claimed to be appealed to on all occasions afterward when their deeds or their motives should be called in question—“ And  
 “ now, what hope have we but in God? The  
 “ only means of our subsistence, and power of  
 “ Reformation, is, under Him, in the Parlia-  
 “ ment; but what can we, the Commons, with-  
 “ out the conjunction of the House of Lords?  
 “ and what conjunction can we expect there,  
 “ when the Bishops and recusant Lords are so  
 “ numerous and prevalent, that they are able  
 “ to cross and interrupt our best endeavours  
 “ for Reformation, and by that means give  
 “ advantage to this malignant party to traduce  
 “ our proceedings?

Hopes of  
 leaders of  
 Commons.

Reply to  
 their af-  
 failants.

“ They infuse into the people that we mean  
 “ to abolish all Church Government, and leave  
 “ every man to his own fancy for the service  
 “ and worship of God, absolving him of that  
 “ obedience which he owes under God to his  
 “ Majesty; whom we know indeed to be in-  
 “ trusted with the ecclesiastical law as well as  
 “ with the temporal, to regulate all the mem-  
 “ bers of the Church of England—though by  
 “ such rules of order and discipline only as are  
 “ established by Parliament; which is his great  
 “ council in all affairs, both in Church and  
 “ State.

Cham-  
 pions of  
 Episco-  
 pacy:

“ They have strained to blast our proceed-  
 “ ings in parliament by wresting the interpre-  
 “ tations of our Orders from their genuine  
 “ intentions. They tell the people that our  
 “ meddling with the power of Episcopacy hath  
 “ caused sectaries and conventicles, when it is

“ Idolatry,\* and the Popish Ceremonies introduced into the Church by command of the Bishops, which have not only debarred the people from them, but expelled them from the kingdom. And thus, with Eliab, we are called by this malignant party the troublers of the State; and still, while we endeavour to reform their abuses, they make us authors of those mischiefs we study to prevent.

their  
slanders.

“ We confess our intention is, and our endeavours have been, to reduce within bounds that exorbitant power which the Prelates have assumed unto themselves, so contrary both to the word of God and to the laws of the land: to which end we passed the Bill for the removing them from their temporal power and employments, that so the better they might with meekness apply themselves to the discharge of their functions; which Bill they themselves opposed, and were the principal instruments of crossing. †

Design  
of the  
Bishops’  
Bill.

“ And we do here declare that it is far from our purpose or desire to let loose the golden reins of discipline and government in the Church, leaving private persons or particular

No intention to  
relax just  
discipline.

\* No expression was so hotly contested in the House as this Idolatry of Idolatry. It was debated, as the reader has been already told, with extraordinary vehemence; the clause containing it was recommitted twice; Falkland and Culpeper were added to the Committee appointed “to prepare the clause in such a manner as may be agreeable to the sense of the House;” and after a division taken on the question of whether it should stand, which was carried by a majority of twenty-five, it was again, on the final debate, vehemently discussed.

Idolatry  
in the  
Church.

† This clause also was strenuously contested to the last, and on the day when the final division on the Remonstrance was taken, as will hereafter be seen, it was again put to the vote.



Conformity desired.

“ congregations to take up what form of divine  
 “ service they please : for we hold it requisite  
 “ that there should be, throughout the whole  
 “ realm, a conformity to that order which  
 “ the Laws enjoin according to the word of  
 “ God. But we desire to unburden the con-  
 “ sciences of men of needless and superstitious  
 “ ceremonies, to suppress innovations, and to  
 “ take away the monuments of idolatry.\*

Suggestion for a Synod :

“ The better to effect which intended Re-  
 “ formation, we desire there may be a General  
 “ Synod of the most grave, pious, learned,

Authorship of Remonstrance.

\* Clarendon more than once imputes the main authorship of the Remonstrance to Pym ; but the share taken in it by that great statesman is yet more satisfactorily established by the extraordinary number of passages in it, identical in style, in manner, and often in the most precise expression, with his printed speeches. The passages on Church government quoted above are among the many such proofs from internal evidence. In themselves they are remarkable, and they agree exactly with the tone and terms of the brief but impressive “ Declaration and Vindication ” which the maligned leader of the popular party put forth, with his own name, against the calumnies of the royalists during the year preceding his death.

Ascribed to Pym.

“ That I am, ever was, and so will die, a faithful son of the  
 “ Protestant Religion, without having the least relation, in  
 “ my belief, to the gross errors of Anabaptism, Brownism, or  
 “ any other revolt from the orthodox doctrine of the Church  
 “ of England, every man that hath any acquaintance with  
 “ my conversation can bear me righteous witness. These are  
 “ but aspersions cast upon me by some of the discontented  
 “ clergy, and their factors and abettors ; because they might  
 “ perhaps conceive that I had been a main instrument in ex-  
 “ tenuating the haughty power and ambitious pride of the  
 “ bishops and prelates . . . And was it not high time to seek  
 “ to regulate their power, when, instead of looking to the  
 “ cure of men’s souls (which is their genuine office), they  
 “ inflicted punishment on men’s bodies, banishing them to  
 “ remote and desolate places, bringing in papistical cere-  
 “ monies by unheard of canons into the Church, imposing  
 “ burdens upon men’s consciences which they were not able  
 “ to bear, and introducing the old abolished superstition of  
 “ bowing to the altar ? ”

Parallel passages from Pym’s *Vindication*.

“ and judicious divines of this island, assisted  
“ with some from foreign parts, professing the  
“ same religion with us ; who may consider of  
“ all things necessary for the peace and good  
“ government of the Church, and represent to settle  
Church  
Government.  
“ the results of their consultations unto the  
“ Parliament. There, to be allowed of, and  
“ confirmed; and to receive the stamp of au-  
“ thority whereby to find passage and obedience  
“ throughout the kingdom.

“ We have been maliciously charged with Desire to  
advance  
Learning :  
“ the intention to destroy and discourage  
“ Learning, whereas it is our chiefest care and  
“ desire to advance it, and to provide such  
“ competent maintenance for conscientious and  
“ preaching ministers throughout the realm as  
“ will be a great encouragement to scholars,  
“ and a certain means whereby the want, mean-  
“ ness, and ignorance to which a great part of  
“ the clergy is now subject, will be prevented.  
“ And we have intended likewise to reform by re-  
forming  
Universi-  
ties.  
“ and purge the Fountains of Learning, the  
“ two Universities, that the streams flowing  
“ from thence may be clear and pure, and an  
“ honour and comfort to the whole land.”

So ran the clauses of the Great Remon-  
strance from the 181st to the 191st inclusive,  
memorable always for their plain vindication of  
the motives and meaning of its authors.

### 8. *Remedial Measures demanded.*

Fourteen clauses more, from the 192nd to Clauses  
192-206.  
the 206th, carried the Remonstrance to its close.  
In these were frankly indicated the measures

**Demands made.** which the people were entitled to demand, as their only safe or sufficient guarantee against the recurrence, at any moment, of the wrongs and sufferings of the past sixteen years. The groundwork of these measures, I may remark, was precisely that which formed afterwards the basis of the settlement by which alone the Monarchy was again firmly established in England. It comprised safeguards against the Roman Catholic religion; security for the better administration of the laws; and conditions for the future selection of only such counsellors and ministers by the King, as the Parliament might have reason to confide in.

**Settlement of Monarchy with limitations.**

i.  
**Safe-guards against Roman Catholic Religion.**

For the first, it was laid down broadly that the principles of those who professed the Roman Catholic religion so certainly tended to the destruction and extirpation of all Protestants, whenever they should have opportunity to effect it, that it was absolutely necessary to keep them in such condition, as that they might not be able to do any hurt; \* and

**Pym's view as to Popery :**

**dislike of the statesman, not the bigot.**

\* The expression is exactly that which Pym had employed in his speech on grievances in the Short Parliament, in a passage which vindicates his memory from any imputation of intolerance. It is always with the prudent spirit of the statesman, and never with the unreasoning hatreds of the bigot, that this great speaker adverts to the Roman Catholic religion. "He did not desire any new laws against Popery, or any rigorous courses in the execution of those already in force. He was far from seeking the ruin of their persons or estates; only he wisht they might be kept in such a condition as should restrain them from doing hurt . . . The principles of Popery are such as are incompatible with any other religion. Laws will not restrain them. Oaths will not. " The Pope can dispense with both these; and where there is occasion, his command will move them to the disturbance of the realm, against their own private disposition, yea against their own reason and judgment, not only in spiritual matters

that such connivance and favour, therefore, as had theretofore been shown to them, should thereafter be avoided.\* With this view his Majesty was moved to grant a standing commission to some choice men named in Parliament, who might take watch of their increase, report upon their counsels and proceedings, and use all due means, by execution of the laws, to prevent mischievous designs, from that quarter, against the peace and safety of the

Suggested  
Commission.

“but in temporal. Henry III and Henry IV of France were no Protestants themselves, yet were murdered because they tolerated the Protestants. The King and the kingdom can have no security but in their weakness and disability to do hurt.”

\* It is not necessary to multiply illustrations of the thorough understanding of the character of the King, which appears in, and justifies, the various urgent warnings of the Remonstrance against his dangerous tendency to intercourse with Rome. But let me refer the reader to one of the latest and most decisive evidences on this point, furnished in the very curious and interesting volume of Letters written by Charles to his Queen in 1646, published by the Camden Society in 1846, and most carefully edited by Mr. John Bruce. In these letters will be found the most satisfactory of all evidence, under his own hand, of the otherwise incredible and utterly insane scheme by which he proposed, to that congenial helpmate who did more than all the rest of his advisers to bring about the tragedy of his death, that she should “invite the Pope and other Roman Catholics to help me for the restitution of the Episcopacy in England, upon condition of giving them free liberty of conscience, and convenient places for their devotions. . . I desire thee not,” he adds, “to communicate this motion to any of the French ministers of state, but I would have thee to acquaint the Cardinal with it, requiring his assistance, for certainly France is as much obliged to assist me as honour can make it.” p. 42. The intended mode of doing it was worthy of the thing to be done. The Queen was to get the French government to invade England with 6000 men, and with these, and double the number of Irish Roman Catholics, Charles proposed to provide for the safe re-establishment of the English Protestant Church and his own royal authority! *Letters in 1646*, p. 24 and 25. And see Clarendon’s *State Papers*, ii. 262.

The King’s tendencies to Rome.

Compact for restoration of Episcopacy.

Proposed invitation to the French!

realm. And it was further suggested, that some sufficient tests should be applied to that counterfeit and false conformity of Papists to the English Church, by colour of which persons greatly disaffected to the true religion had been admitted into places of highest authority and trust in the kingdom.

ii.  
Secu-  
rities for  
Adminif-  
tration of  
Laws.

For the second, stipulation was made, that, for the better preservation of the liberties and laws, all illegal grievances and exactions should be presented and punished at the sessions and assizes; that judges and justices should be very careful to give this in charge to the grand juries; and that both the sheriff and the justices should be sworn to the due execution of the Petition of Right and other laws.

iii.  
Pro-  
tection  
against  
Evil  
Counsel-  
lors.

For the third, a series of precautions were suggested to meet those cases of not infrequent occurrence, when the Commons might have just cause to take exceptions at particular men for being selected to advise the King, and yet have no just cause to charge them with crimes. Seeing that there were grounds of diffidence which lay not in proof, and others which, though proveable, were yet not legally criminal (as, to be a known favourer of Papists, or to have been very forward in countenancing and supporting great offenders questioned in Parliament, or to have become notorious for a studied contempt of Parliamentary proceedings), the most cogent reasons might exist to be earnest with the King not to put his great affairs into such hands, though the Commons might be unwilling to proceed against them in any legal way of impeachment. It was then

Parlia-  
ment to be  
consulted  
in choice  
of Minis-  
ters.

plainly stated that supplies for support of the King's own estate could not be given, nor such assistance provided as the times required for the Protestant party beyond the sea, unless such Counsellors, Ambassadors, and other Ministers only were in future employed as Parliament could give its confidence to; and unless all Counsellors of State were sworn, as well to avoid receiving, in any form, reward or pension from any foreign prince,\* as to observe strictly those laws which concerned the subject at home in his liberty.

Ministers to be made subject to laws.

And so this famous Declaration ended, with a prayer that his Majesty might ever have cause to be in love with good counsel and good men; and, profiting by the humble and dutiful representations therein made, might acknowledge how full of advantage it would be, to himself, to see his own estate settled in a condition sufficing to support his honour, to see his people united in ways of duty to him and in endeavours for the public good, and, by the influence of his own power and government, to see derived to his own kingdom, and procured to those of his allies, Happiness, Wealth, Peace, and Safety.

Closing prayer of Remonstrance.

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§ XIII. THE HOUSE AND ITS MEMBERS :  
22ND NOV. 1641.

SUCH was the Declaration, the Great Remonstrance, which lay engrossed on the table

Monday, 22nd Nov. 1641.

\* On Friday the 11th of December 1640, I find from a manuscript report of the proceedings of that day, Pym handed English in several petitions, and among them one from "Joseph statesmen:

King  
approach-  
ing  
London.

of the house on Monday the 22nd of November 1641, waiting the final vote. The King, eager at last to reach London before that vote could be taken, was now hastening with all speed back from Edinburgh; and the fact that he was only distant a two days' journey was doubtless known to Pym, Hampden, and Cromwell, when they passed into the house that morning.

10 o'clock  
A. M.  
Speaker  
late.

The Speaker was late, probably in expectation that he should have to sit long; and prayers were not over until a little after ten. There is then some business essential to be done, and honourable members eager for the great debate are fain to curb their impatience. Mr. Wheeler, the member for Westbury, has to report concerning a delinquent involved in the recent conspiracies. Sir John Price, the member for Montgomeryshire, has ill report to make of a Mr. Blany, a Welsh justice of peace. Mr. Strode has to complain of an order of the House as to a case in the Exchequer tending to throw discredit on himself, and to obtain correction of the same. Mr. Speaker has to prefer a petition from some hundred or so of the Moniers of the mint, claiming to be exempt, by the precedents of four centuries, from contributing to the payment of the last six subsidies voted by the Commons; which petition, having been presented to the King, his Majesty had commended

Petition  
from  
moniers.

and  
foreign  
pensions.

“Hawes and other merchants touching the wrongs done them at sea by the Spaniards;” and moved that it should be referred “to the same committee appointed to consider of the Turkish pirates and Algiers, and to enquire what ministers of our State do receive pensions from foreign States.”

to Mr. Speaker for presentation this day, and by the House was now ordered to be referred to the committee for poll-money, some not very courtly members remarking that “these subsidies were given to the Commonwealth and not to the King, and therefore they were not freed by any charter of exemption.” But, above all, Mr. Pym has to report the result of a conference with the Lords the preceding Saturday on Irish affairs, and sundry important matters relating thereto. He has evidence to offer that “this design of Ireland was hatched in England.” He has a petition bearing on these affairs to present from Sir Faithful Fortescue. He has to make an important suggestion for the transport, to Ireland, of the magazine at Hull; to get authority for the necessary estimates, from the officers of ordnance, as to the number of ships required for such transport; to take order for the immediate provision thereof; and to obtain means, by a vote of 4000*l.* to Mr. Crane, the victualler of the Navy, for the hastening away of other ships to guard the coast of Ireland.

Distinction between Commonwealth and King.

Pym on Ireland.

So the time passed until the clock had struck twelve, when, as the members began to hurry out for dinner, cries became loud for the debate on the Remonstrance. Thereupon, order having been made (so little in some quarters, even then, was any debate of unusual duration expected) that the Irish business should be resumed as soon as the debate on the Declaration was done, and the order of the day for resumption of the latter subject having been read, Mr. Hyde rose and desired that the

12 o'clock A. M. Dinner-hour.

Cries for order of day.



Hyde's  
motion to  
gain time.

Serjeant might be sent with his mace to call up such members of the house as were then walking in Westminster Hall. It was a device to gain time, Mr. Hyde, we may presume, not liking to speak to thinly occupied benches; but, on the other hand, the liberal leaders were interested to have no time lost, and many resisted the proposal. After some debate, however, the objectors gave way, and the Serjeant with his mace departed accordingly.

The old  
House of  
Commons.

The old House of Commons, it may be well here to remind the reader, now that a generation has grown up who never saw the narrow, ill-lighted, dingy room, in which for three centuries some of the most important business of this world was transacted, ran exactly at right angles with Westminster Hall, having a passage into it at the south-east angle. The Hall itself, in those days, shared in all the excitements of the House; and nothing of interest went on in the one, of which visible and eager indications did not present themselves in the other.

West-  
minster  
Hall.

It was here, in the Hall, within an hour after the dissolving of the Short Parliament, that the cheerful and sanguine Mr. Hyde, with deeply despondent face, deplored gloomily that rash step to the dark and reserved Mr. St. John, who, with laughter lighting up features rarely known to smile, rejoined briskly that all was well, and it must be worse before it would be better. It was here, upon the assembling of the Long Parliament, that Mr. Hyde had walked up and down conferring on the state of affairs with Mr. Pym, when that worthy and

Famous  
associa-  
tions.

distinguished member told him they must now be of another temper than they had been heretofore, and must not only sweep the house clean below, but must pull down all the cobwebs which hung in the top and corners, that they might not breed dust, and so make a foul house hereafter. It was here the King himself was so soon to enter on his ill-fated errand against the Five Members, striking such a fear and terror, according to a manuscript report now before me, "into all those that kept shops in the said Hall, or near the gate thereof, as they instantly shut up their shops."\* For here also such trades as those of bookfellers, law-stationers, sempstresses, and the like, found customers among the variously idle, busy, or curious people, continually drawn together; and under the roof of the noble old Hall, whatever the business in progress might be within the Courts adjoining or in the Chapel beyond, might be heard the old city cry of What d'ye lack? addressed to lawyers walking up and down till their cases in the Bench or Exchequer come on, to clients in attendance to consult with their lawyers, to politicians anxious for news, and to members of either House escaping from committees or debates. —As those of the lower House, however, for whom Mr. Hyde sent the Serjeant and his mace, have doubtless by this time been col-

Pym and Hyde.

Shops in the Hall.

Place of resort :

for M.P.'s lawyers, and clients.

\* Bookfellers, law-stationers, sempstresses—these and other trades akin to these, now and for some time later, plied their callings in the place; and Laud notices in his *Diary* a narrow escape of the Hall from being burnt down, owing to a fire in one of the stalls. Laud's *Diary*.

lected, it is our business to enter St. Stephen's with them and observe the aspect it presents.

St.  
Stephen's  
Chapel.

Its old  
interior.

Officers of  
House.

Honour-  
able mem-  
bers.

The entire length of the room in which the members sat was something less than the breadth of Westminster Hall; and, handsome as it originally had been, with its rich architecture and decorated paintings of the thirteenth century, it had lost all trace of these under boards and whitewash immediately after the Reformation, when also a new floor above, and a new roof under, the old, still more abridged its proportions. At the western end, the entrance was between rows of benches, passing the bar, and underneath a gallery into which members mounted by a ladder on the right-hand corner, near the southern window. At the eastern end, a little in advance of a large window looking on the river, stood the Speaker's chair; and again, a little less in advance of that, towards the middle of the floor, stood the Clerk's table, at which sat Henry Elsyng, and John Rushworth his lately appointed assistant, with their faces to the mace and their backs to the Speaker. Then, on right and left of the Speaker, in benches stretching along and springing up as in an amphitheatre on either hand, were assembled the Honourable Members. There they sat, puritan and courtier, the pick and choice of the gentlemen of England; with bearded faces close-cut and stern, or here and there more gaily trimmed with peak and ruff; faces for the most part worn with anxious thoughts and fears, heavy with toil, weary with responsibility and care, often with long imprisonment; there

they sat, in their steeple hats and Spanish cloaks, with swords and bands, by birth, by wealth, by talents, the first assembly of the world. And there, presiding in his great chair surmounted by the arms of England, sat Mr. Speaker; also hatted, cloaked, and sworded like the rest; but not always treated by them, nor in sooth always treating them, with the respect which has gathered to his office in later time.

Position of Mr. Speaker.

It was but a few weeks, for example, before the late recess, that that honourable barrister and member for Melcombe Regis, Mr. Richard King, took upon himself to declare, that, in a particular rebuke which Mr. Speaker had addressed to another honourable member, he had “transgressed his duty in using so disgraceful a speech to so noble a gentleman;” and though the House interfered to protect their Speaker, and Mr. King was commanded to withdraw into the Committee Chamber, the matter ended in but “a conditional apology with which the House was not satisfied but “the Speaker was.” The noble gentleman whom it vexed Mr. King to see treated with disrespect was the younger brother of Lord Digby, Mr. John Digby, member for Milborn Port; who, on the day when his brother would have been expelled the House of Commons if the King’s letters-patent had not issued the night before calling him to the House of Lords, “came into the house, and getting upon the “ladder that stands at the door of the house “by which the members thereof usually go up “to those seats which are over the same door

Richard King’s attack on Lenthall.

Hon. Mr. John Digby:

his disrespect to House:

“ under the gallery, he sat still upon the said ladder ;” \* whereupon the Speaker, doubtless coupling the act, as a sign of disrespect, with a display of insubordination by the same young gentleman on discussion of his brother’s case the previous day, “ called out to him, and rebuked by Lenthal. “ desired him to take his place, and not to sit upon the said ladder as if he were going to be hanged : at which many of the House “ laughed,” and Mr. King, as aforesaid, was indignant. The incident leaves us at least no room for doubt, that, though the Speaker’s powers were in their infancy as yet, and his claim to proper consideration only grudgingly admitted, he had nevertheless as unruly an assemblage to deal with, as the powers and consideration conceded to him in modern parliaments have found themselves barely equal to govern.† Incessant certainly were the rebukes

Mr.  
Speaker’s  
powers.

Selden  
and the  
Digbys.

Digby on  
his ladder  
and the  
ape on  
house-top.

D’Ewes  
and  
Lenthal.

\* Selden has a note in his *Table Talk* referring to this affair of the Digbys, and comparing the new-made lord, safe from the wrath of the Commons, to an ape on the house-top grinning at the whip below, of which the sarcastic humour might probably enough have been suggested by the incident D’Ewes has preserved for us. If the learned member for Oxford University, as is most likely, actually saw the younger Digby sneering at Mr. Speaker from the top of his ladder, the other image of the ape might naturally present itself. “ My lord Digby having spoken something in the House of Commons, for which they would have questioned him, was presently called to the Upper House. He did by the Parliament, as an ape when he hath done some waggery: his master spies him, and he looks for his whip, but before he can come at him, ‘ whip,’ says he to the top of the house !” — *Table Talk*, p. 175. (Ed. Irving, 1854.)

† Even Sir Simonds D’Ewes himself, one of the most prim and precise of men, and a very Grandison of propriety in regard to all customs, orders, records, and authorities of the House, in which he was a marvellous proficient, yet indulges himself without scruple, when any occasion arises, in a sneer-

offered, and the rebuffs received, by Mr. Speaker Lenthal; who, setting aside the one notable act of his career, had but commonplace qualities of his own to sustain him; and who, in especial, seems often to have found (herein perhaps not differing from later experiences in

ing disrespect to Mr. Speaker. On the second of December 1641, for example, there is quite a passage of arms between them. It begins with D'Ewes, "sitting in my usual place near his chair," correcting Mr. Speaker on a point of order connected with a summons to conference with the Lords. Then, upon D'Ewes moving to have the Londoners' petition read over again, Mr. Speaker takes his turn by interposing that it is the worthy member's own fault to have been absent at the reading on the previous day; but has to cry D'Ewes mercy, on the latter pleading his absence that day at Hampton Court, by order of the House itself, to assist in presenting the Great Remonstrance to the King. Then Mr. Waller gets up to speak, and handles both the points started, as well the conference with the Lords as the Londoners' petition. To him succeeds D'Ewes, who also enlarges upon both subjects under various heads, until Mr. Speaker becomes manifestly uneasy. "Having proceeded thus far or a little further, I perceived the Speaker often offering to rise out of his chair as if he intended to interrupt me." An explanation follows. Mr. Speaker thinks D'Ewes out of order in not taking points separately, first the matter of conference with the Lords, and then the Londoners' petition afterwards. "Whereupon I stood up again and said, 'Truly, sir, I am much behold- ing to you for admonishing me, but if you had been but pleased to have informed the gentleman who spoke last before to both the particulars, you would have saved me my labour, for I did but follow his method;' at which the House laughed; and the Speaker being half ashamed of what he had done, stood up again and confessed that he did permit Mr. Waller &c. and now he left it to the House, &c." Other similar instances might be quoted. One had occurred in reference to a point on the passing of the Subsidy Bill, on the previous 13th of February, 1640-1, when the Speaker had predicted all sorts of ill consequences from a particular course of procedure, and D'Ewes is careful to inform him (and us) that "no inconvenience had followed." Another involved a very sharp encounter (26th Feb. 1641-2) with Sir Arthur Haselrig. And any one who cares to pursue the subject will find additional illustrations in my *Arrest of Five Members*, § xxiii.

Lenthal's  
weakness.

A quarrel  
of order.

D'Ewes  
lectures  
Mr.  
Speaker.

Lenthal's  
submis-  
sion.

*Magister  
Venter.*

the same feat) the dinner-hour an almost insuperable difficulty. As it has been with many a modern Mr. Speaker between the hours of seven and eight in the evening, so fared it with Mr. Lenthall between twelve and one mid-day.\* Not a great many days before the present sitting, the rush of members out of the House at that hour, during a debate on supply, had been such that he was fain flatly to tell them "they were unworthy to sit in this great and wise assembly in a parliament that would so run forth for their dinners." † And now, though the Serjeant has returned with several members from the Hall, so many more continue absent from the House at this clamorous hour, that Mr. Hyde still waits and defers to speak.

House  
emptied  
by dinner  
bell.

\* There is a pleasant passage in Clarendon's *Life* (i. 90), where he expressly excepts certain leading members from this habit of rushing out at the time of dinner, and describes what plan they adopted. When their hours had become very disorderly, he says, the House seldom rising till after four of the clock in the afternoon, he used to be frequently invited ("importuned" he calls it) to dine with the party of whom Pym was the leader, and often went with them accordingly to "Mr. Pym's lodging, which was at Sir Richard Manly's house, in a little court behind Westminster Hall, where he, and Mr. Hampden, Sir Arthur Haselrig, and two or three more, upon a stock kept a table, where they transacted much business, and invited thither those of whose conversion they had any hope." It was after one of these dinners, the summer evening being fine, that Nathaniel Fiennes having proposed to Mr. Hyde to ride into the fields and take a little air, they two sent for their horses, and, while riding in the fields between Westminster and Chelsea, Mr. Fiennes did his best to convert Mr. Hyde from his notions as to the government of the Church.

Pym's  
dinner  
parties.

An even-  
ing ride.

† This will explain a saying of Lord Falkland's reported in one of the suppressed passages of Lord Clarendon's History, recently restored (ii. 595, Appendix F), "that they who hated bishops, hated them worse than the devil; and they who loved them, loved them not so well as they did their dinners."

While he does this yet a few minutes longer, let us seize the occasion to observe where some of the prominent people sit. The member whose manuscript record chiefly has been quoted, Sir Simonds D'Ewes, will guide us to the knowledge here and there, in jotting down his own speeches ; for, as it was then the custom to avoid mention as well of the place represented as of the member's name, the principal mode of indicating a previous speaker was by some well known personal quality, or by his position in the house.\* Sir Simonds himself sat usually by the Speaker's chair, on the lowermost form close by the south end of the clerk's table ; and there, whatever the subject of debate might be, or the excitement going on around him, the precise self-satisfied puritan gentleman sat, writing-apparatus forming part of his equipment, his eyes close to the paper (for their sight was defective), and ever busily taking his Notes : but it was his custom, when he spoke,

Where  
leading  
members  
sit:

Sir  
Simonds  
D'Ewes :

taking  
his notes.

\* Thus old Sir Harry Vane, referring to D'Ewes himself (June 26, 1641) "is sorry to miss the gentleman out of his place who is so well versed in records ;" and in like manner Sir Robert Pye characterises him (July 1, 1641) as "that learned gentleman who was so well skilled in records—and then he looked at me." Sir John Evelyn is (4 March, 1641-2) "my very worthy friend on the other side." Sir Arthur Haselrig is (26 February 1641-2) "that worthy gentleman in the gallery." Sir Ralph Hopton is "that ancient parliament man." Mr. Cage, member for Ipswich, is, "my old neighbour behind me," or, "an old gentleman who used to sit here behind me." Sir Thomas Barrington, member for Colchester, is, "as ancient a parliament man as Mr. Cage, though not of as many years." "No man did more honour and love that worthy member that spake last than myself," are words in which an allusion to Pym is conveyed. And Mr. Denzil Hollis is "the worthy gentleman whom I very much respect."

Places of  
members  
in House.



Marten  
and Pym.

to go up two steps higher, that he might more easily be heard by the whole House. In this position, Mr. Harry Marten, the member for Berkshire, was "the gentleman below." Mr. Pym, the acknowledged chief of the majority of the Commons, is ever in his "usual place "near the Bar," just beyond the gallery on the same right-hand side of the house at entering. Sir John Culpeper, member for Kent, and so soon to be Chancellor of the Exchequer, is "the

Culpeper,  
Hyde,  
Falkland,  
and  
Palmer.

"gentleman on the other side of the way."\* He sat upon the left-hand side; and near him, most generally together, sat Hyde and Falkland; Mr. Geoffrey Palmer, the member for Stamford, and Sir John Strangways, sitting near. On the same side at the upper end, on the Speaker's right, sat the elder Vane, member for Wilton, for a few days longer Secretary of State and Treasurer of the Household; near whom were other holders of office. Sir Thomas Jermyn, his Majesty's Comptroller, who sat for Bury St. Edmund's; Sir Edward Herbert, the Attorney-General, who sat for Old Sarum; Oliver St. John, the Solicitor-General, member for Totness, still holding the office in the King's service which had failed to draw him over to the King's side; Mr. Coventry, member for Evesham and one of the King's household; † and young Harry Vane, member for Hull, and as yet Joint-treasurer of the Navy; all sat in this quarter, on the Speaker's

Vane and  
King's  
ministers.

\* "I desired that the gentleman on the other side of the way—and then I looked on Sir John Culpeper, &c."

† "For if the gentleman on the other side who last pressed it—and then I looked towards Mr. Coventrie, &c."

right. Near them sat also Mr. Edward Nicholas, Clerk of the Council, soon to be Sir Edward and Secretary of State in place of Windebank, now an anxious auditor and spectator of this memorable debate, which he was there to report to the King. Between these Independent members and Hyde, on the same side of the house, sat the member for Wilton, Sir Benjamin Rudyard; Sir Walter Earle; William Strode; and lawyer Glyn, the member for Westminster. Mr. Herbert Price, the member for Brecon, with Mr. Wilmot, member for Tamworth, and a knot of young courtiers, sat at the lower end of the house on the same side, immediately on the left at entering. John Hampden sat on the other side, behind Pym; and between him and Harry Marten, sat Edmund Waller; on one of the back benches, Cromwell; not far from him, Denzil Hollis; and under the gallery, the member for Oxford University, the learned Mr. Selden.\* Near him sat lawyer Maynard, the other member for Totness; and over them, in the gallery itself, that successful lawyer, Mr. Holborne; Sir Edward Dering; and the member for Leicestershire, Sir Arthur Haselrig. But our list must come to a close. The reader has been detained too long from the debate on the Great Remonstrance.

\* "I said that I did prize whatsoever should fall from the pen or tongue of that learned gentleman under the gallery — and then I looked towards Mr. Selden, &c."

§ XIV. SPEECHES OF HYDE, FALKLAND,  
DERING, RUDYARD, AND BAGSHAW.

Eighth  
Debate :  
22d Nov.

Hyde  
speaks.

Doubts  
House's  
right to  
remon-  
strate.

Objections  
to form  
and lan-  
guage :

HYDE opened this remarkable debate in a speech of great warmth\* and great length. The general ground of objection he took was that a Declaration so put forth was without precedent ; and he questioned the power of the House, in so far as this was defined by the words used in the writs of election, to make, alone, a remonstrance to the people, without the concurrence of the Lords. Arguing from this, he asserted that the form of the Declaration touched the honour of the King, and that it ought not, for that reason, to be made public or be circulated among the people. Such a publication could only be justified by having peace for its end, and here every such object would be frustrated. In the Remonstrance itself, apart from these considerations, he did not deny that there might be a propriety. The members of the House were accused to have done nothing either for King or kingdom. It was right to repel that charge. But if a parliament must make an apology, let them show what they had done without looking too far back. They may desire themselves to see, but they should not divulge, their own infirmities, any more than a general the defects

\* Mr. Philip Warwick, young courtier as he was, and admirer of all things courtly, could yet detect the points in which the King's principal advocate in the House was weak, as well for himself as his cause. " Mr. Hyde's language " and style," he remarks, " were very suitable to business, if wordiness. " not a little too redundant." *Memoires*, p. 196.

Hyde's  
wordiness.

of his army to the enemy. All was true, if expressed modestly. But such passages as Sir John Eliot's imprisonment under the King's own hand, and his wanting bread,\* were ill-expressed. Let them be chary of Majesty. They stood upon their liberties even, for the Sovereign's sake: lest he should be King of mean subjects, or they subjects of a mean King.

Lord Falkland rose immediately after Hyde, and, as his wont was, spoke with greater passion in his warmth and earnestness; his thin high-pitched voice breaking into a scream, and his little, spare, slight frame trembling with eagerness. He ridiculed the pretension set up in the Declaration to claim any right of approval over the councillors whom the King should name; as if priest and clerk should divide nomination and approval between them. He

unjust to the King.

Lord Falkland speaks.

King's right to name his own ministers

\* In Sir Ralph Verney's Note of the debate (p. 121), this passage stands "Sir John Eliot's imprisonment, under the King's own hand, and *the King's* wanting bread, ill expressed." It is clear, however, that the words marked in italics are a repetition by mistake from the previous line. Clarendon in his History (ii. 51) affects to quote, in the exact words of the Remonstrance as it passed ("after many unbecoming expressions were cast out"), the passage respecting Eliot; and he quotes it in inverted commas, thus: "One of which died in prison, *for want of ordinary refreshment, whose blood still cried for vengeance.*" The "want of ordinary refreshment" in the history, is clearly the same as "wanting bread" in the speech; yet certainly the Remonstrance as printed says no such thing, and the words, if ever there, must have been among the unbecoming expressions cast out. The passage really runs thus: "Of whom one died by the cruelty and harshness of his imprisonment, which would admit of no relaxation, notwithstanding the imminent danger of his life did sufficiently appear by the declaration of his physician. And his release, or at least his refreshment, was sought by many humble petitions. And his blood still cries, &c."

Allusion to Eliot in Remonstrance:

incorrectly quoted by Hyde.

denounced it as unjust that the concealing of delinquents should be cast upon the King. He said (forgetting a former speech of his own going directly to this point)\* it was not true to allege that Laud's party in the Church were in league with Rome; for that Arminians agreed no more with Papists than with Protestants. And, with the power to make laws, why should they resort to declarations? Only where no law was available, were they called to substitute orders and ordinances to command or forbid. Reminding them of the existing state of Ireland, and of the many disturbances in England, he warned them that it was of a very dangerous consequence at that time to set out any remonstrance: at least such a remonstrance as this, containing many harsh expressions. Above all, it was dangerous to declare what they intended to do hereafter, as that they would petition his Majesty to take advice of his parliament in the choice of his privy council; and it was of the very worst example to make such allusion as that wherein they declared that already they had committed a bill to take away bishops' votes. He pointed out the injustice of imputing to the bishops generally the description of the Scotch war as *bellum episcopale*, which he asserted had been so used by only one of them. He very hotly condemned the expression of "bringing in idolatry," which he characterised as a charge of a high crime against all the bishops in the land. And he

Defends  
Laud.

Dangers  
of  
Remonstrance.

Apology  
for  
bishops:

\* See *ante*, p. 217

denounced it as a manifest contradiction and absurdity, that after reciting, as they had indeed sufficient cause to do, the many good laws passed by a parliament of which bishops and Popish lords were component members, they should end by declaring that while bishops and Popish lords continued to sit in parliament no good laws could be made.

Falkland was followed by Sir Edward Dering, who was so well pleased himself with the speech he proceeded to deliver, that he afterwards committed it, with another spoken in the preliminary debates, to print, with a preface which cost him his seat in the House; \* and

\* Under date the 2nd February, 1641-2, D'Ewes gives curious and amusing evidence in his Journal of the anger awakened in wise grave men by this very silly publication of Sir Edward Dering's. Oliver Cromwell takes the lead in vehemently denouncing the book. D'Ewes himself chimes in as violently, for that "in this scandalous, seditious, and "vain-glorious volume," he does "so overvalue himself as if "able of himself to weigh down the balance of this House "on either side, &c. &c." Then Sir Walter Earle moves to call in the book. But to this D'Ewes very sensibly objects, "for that by so doing the price of it would rise from fourteen pence to fourteen shillings, and hasten a new impression." Finally, Cromwell moves and carries that the obnoxious volume shall be burnt "next Friday:" on which occasion to be doubtless Palace-yard was duly illuminated by the small bonfire. See this matter further treated in *Arrest of Five Members*, § xxiii. But perhaps there was really more reason than lies immediately on the surface for the resentment with which the House regarded the publication by its members of their speeches, unauthorised by itself. It gave some sort of sanction to another publication of a still more unauthorised description, which had lately become not uncommon, and by which many members suffered not a little. I quote one of the entries of D'Ewes in his Journal under date the 9th February, 1641-2. "After prayers I said that much wrong was offered of late to several members by publishing speeches in their names which they never spake. I had yesternight a speech brought me by a stationer to whom one John Bennet, "a poet lodging in Shoe-lane, sold it for half-a-crown to be

and Popish Lords.

Sir Edward Dering speaks:

Dering's publication of his speeches.

Ordered to be burnt.

Origin of penny-a-lining.

until very recently, this publication by the member for Kent was supposed to be the only fragment which had survived of the debates on the Grand Remonstrance.\* Nor

Reported  
speeches  
never  
spoken :

Royalist  
petitions  
forged :

work of  
poor  
scholars  
in ale-  
houses.

Verney's  
*Notes.*

“ printed. He gives it as my speech at a conference when “ there was no conference.” This is probably one of the first glimpses to be got in our history of the now ancient and important penny-a-lining fraternity. The danger and the annoyance, however, were greater from the interpolated and falsified versions, now also abundantly put forth, of speeches really spoken in the house, than from the pure inventions of which D'Ewes complained. I may add that the inventions were not limited to speeches only. Petitions affecting to represent the feeling of large classes of people were got up in the same way ! On the 25th of January, 1641-2, the matter of a Royalist petition from Hertfordshire was before the house, and the subjoined curious entry is made in D'Ewes's Notes. “ Thomas Hulbert, one of the framers of the Hertfordshire petition, sent for as a delinquent; also Martin Eldred, one of the penners of the same. The said Martin Eldred, being called into the house, did acknowledge that “ Thomas Hulbert, a young scholar of Cambridge, did draw “ the said false petition of Hertfordshire in his presence; and “ that they sold it to the said John Greensmith, a stationer, “ for half-a-crown, which the said Greensmith, being called “ in, did likewise confess; and that he printed it. I said “ there were now abiding in, and about London, certain loose “ beggarly scholars who did in ale-houses invent speeches, “ and make speeches of members in parliament, and of other “ passages supposed to be handled in, or presented unto, this “ house. That the license of printing these scandalous “ pamphlets is grown to a very great height, &c.” Wherefore the indignant Sir Simonds would have Mr. Thomas Hulbert, and Mr. Martin Eldred, and Mr. John Greensmith forthwith conveyed to the Gate-house.

\* The gloom was broken by such additional brief notices as were supplied by the appearance, a few years ago, of Sir Ralph Verney's valuable *Notes of Proceedings in the Long Parliament*, most intelligently edited by Mr. Bruce; but the existence of the manuscript materials which have supplied me with the main portions of the account now laid before the reader in this Work, was not suspected, even so late as Mr. Bruce's publication. The report supplied in my text of the particular debate now in progress, is the result of a careful comparison of the notes of Verney and D'Ewes, each having been used to correct and complete the other. Fragments of

was it by any means a bad speech, though for the interests of his party it was hardly a discreet one. They would fain indeed have prevented his rising so early in the debate, but as yet Pym resolutely kept his place, and the field was open to all comers.

Dering began by enlarging on the importance of the matter in discussion as far transcending any mere bill or act of parliament. Of what was so put forth, he warned them, the three kingdoms were but the immediate or first supervisors; for all Christendom would be attracted by the glass therein set up, and would borrow it to view their deformities. Then let them not dismiss in haste what others would scan at leisure. It was to be considered, first, whether their constituents were looking for such a Declaration. If not, to what end did the House so decline? Wherefore such descension from a parliament to a people? The people looked not up for any so extraordinary courtesy. The better sort thought best of that House; and why should its members be told that the people were expectant for a Declaration. "My constituents," continued Sir Edward, "don't want it. They do humbly and heartily thank you for many good laws and statutes, and pray for more. That is the language best understood of them and most welcome to them. They do not expect to hear any other stories of what you have done, much

not discreetly.

Urges importance of Remonstrance.

But why carry it to the people?

People want only good laws.

Verney's notes, I have already remarked, were known to Mr. Serjeant D'Oyley and Mr. Hallam some years before their publication by Mr. Bruce.



“less promises of what you will do. Mr. Speaker,” he added, “when I first heard of a Remonstrance, I presently imagined that, like faithful counsellors, we should hold up a glass *unto his Majesty*. I thought to represent, unto the King, the wicked counsels of pernicious counsellors; the restless turbulence of practical papists; the treachery of false judges; the bold innovations, and some superstition, brought in by some pragmatical bishops and the rotten part of the clergy. I did not dream that we should remonstrate downward, tell stories to the people, and talk of the King as of a third person.” The orator was here upon delicate ground, and had perhaps some warning as he spoke that his footing was unsafe. He did not dispute, he already had remarked, the excellent use and worth of many pieces of the Declaration; but what was that to him, if he might not have them without other parts that were both doubtful and dangerous? He felt strongly, with the noble learned Lord who spoke last (Falkland), that to attribute an introduction of idolatry to the command of the bishops was to charge those dignitaries with a high crime. He did not deny that there had been some superstition in doctrines and in practices by some bishops, but flat idolatry introduced by express command was quite another thing. He objected that to refer to the decision of Parliament the order and discipline that were to regulate the Church, would be to encourage sectarianism; and he further objected that these, and other similar passages, appeared to have been

Remonstrate to King:

but not downward to People.

Agrees with Falkland.

Church regulation no subject for Parliament.

introduced by the Committee without being first discussed and recommended to them from the House. Then, taking up the closing averments in the Declaration as to the desire of its promoters for the advancement of learning by a more general and equal distribution of its rewards, he avowed his opinion that this object would be defeated if the great prizes in the Church were abolished. "Great rewards," he said, "do beget great endeavours; and certainly, Sir, when the great Basin and Ewer are taken out of the lottery, you shall have few adventurers for small plate and spoons only.\* If any man could cut the moon out all into little stars,—although we might still have the same moon, or as much in small pieces, yet we should want both light and influence."

Advocates prizes in church.

Would not split moons into stars.

Much beyond this flight even the member for Kent could not be expected to soar; and forcible and lively as many parts of his speech had been, its general tone and tendency had also been such, that the impatience and fears of party friends must greatly have been relieved by his preparation to resume his seat, after some further enlargements of his argument for the patronage and diffusion of learning. He ended by stating, that because he neither looked for cure of complaints from the common people, nor did desire to be

Final reasons for adverse vote.

\* There is no new thing under the sun; and it hardly needs to remind the reader that Sydney Smith's famous argument in defence of the "prizes in the Church," in those three letters to Archdeacon Singleton which rank among the wittiest prose compositions in the language, had been exactly and almost literally reproduced from this speech of Sir Edward Dering's.

cured by them ; because the House had not recommended all the heads of the Remonstrance to the Committee which brought it in ; and because they passed his Majesty, and remonstrated to the people ; he should give his vote with Mr. Hyde.

Rudyard speaks.

When Dering resumed his seat, Sir Benjamin Rudyard rose. It could hardly fail but that much interest should be felt as to the part he would take on this occasion. He was not a leader in the House ; but his speeches had the influence derived from singularly eloquent expression, from his age and character, from that long experience of parliaments in which he rivalled even Pym himself, and from his gravity, courtesy, and moderation of tone. In these qualities the Historian of the parliament reports him as pre-eminent. "Cujus erant mores," he says, "qualis facundia ;" instancing his oration at the opening of the session as "a perfect exemplar" at once of the unsparing exposure of grievances, and of "the way of sparing the King."\* His known desire in this latter respect gave peculiar significance to what should now fall from him.

His character by May.

Favourable to a Declaration.

He began by stating that in his opinion it was absolutely requisite that the House should publish a Declaration, because this parliament had been slandered by so many. Of the slanderers he then spoke, as consisting of the papists, to whom all parliaments were hateful, but this worst of all ; of the delinquents, whom the parliament had punished ; and of

\* May's *History* : lib. i. chap. vii. Rudyard was now verging on his 70th year, having been born in 1572.

the reckless class of libertines, who sought ever to throw off the restraints of parliament and law. Next he commented on the malignancy of the libels they had propagated so busily. Nevertheless, he continued, "whatsoever they traduce, by God's assistance we have done great things this parliament—things of the first magnitude. We have vindicated the liberty of our persons, the freedom of our estates. We have gotten, by the King's grace and favour, a triennial, a perpetual parliament, wherein all other remedies and liberties are included. We have done something, too, for religion; though I reckon that last, because, I am sorry to speak it, we have done least in that." Then, as if to guard himself from a too decisive tone against Hyde and his party, with whom he was never on unfriendly terms, he desired Mr. Speaker not to imagine that he approved ordinarily of parliament putting forth what might be called an apology. Truly he thought it went hard with a parliament when it was put to make an apology for itself, because apologies were commonly accounted suspicious; but the malignity and machinations of the times had here enforced it, in this instance had made it necessary. To the particular Declaration before the House, however, he had yet one objection to make. His vote went freely with the narrative part of it; but he must object to what he would call the prophetic part. He meant those clauses which set forth acts that were waiting to be passed, and measures intended hereafter. In that, it appeared to him, there was danger;

Great acts of the Parliament.

Necessity to defend it against libels.

States one objection to Remonstrance.

Would only mention Acts passed: and he doubted if there was precedent for it. It was to foresee the whole work of this parliament to come, and to bind it up by anticipation and engagement of votes beforehand. And he would humbly wish the House to consider, whether, if they failed in performing some few of the things they so promised and the world would expect, they might not lose more by non-performance of those few than they would be likely to get by all the rest of the Declaration. He resumed his seat with the remark that in any of these his doubts he should be glad to be resolved by better judgments.

not Bills in progress or intended.

Subsequent attacks on Ruyard.

This speech, moderate and temporising as it was, was made matter of such grave reproach afterwards; and one of chronicler Heath's base inventions, which represented its speaker dying of remorse as soon as the first blood of the war was drawn, and complaining on his death-bed that Mr. Pym and Mr. Hampden always told him they thought the King so ill-beloved by his subjects that he would never be able to raise an army to oppose them, has obtained such wide belief; that I pause for a moment, before closing the section, to dispose finally of that slander.

A poet and friend of poets.

Ruyard had in his time played no undistinguished part among the patriots, and he had talents and graces of mind, that, as they justly entitled him to such praise at Jonson's,\*

Poem by Ben Jonson.

\* "RUYARD, as lesser dames to great ones use,  
My lighter, comes to kiss thy learned, muse;  
Whose better studies while she emulates,  
She learns to know long difference of their states.  
Yet is the office not to be despis'd,  
If only love should make the action prized;

would have given any cause new lustre. He was a masterly orator, and no contemptible poet; and though, as I have said, he was never a leader among these remarkable men, they might well boast of the accession they received when so courtly and accomplished a gentleman left his fashionable haunts upon town and took his place among them. But his part was played out when the war of words became so sharp as to foreshadow the fiercer conflict. He was in truth too good a speaker for the service which alone in other respects he could render when the struggle took its gravest aspect. Shakespeare knew a kind of men incapable even of their distress, and Sir Benjamin was not altogether capable of his excellent oratory. His temperament was too delicate, anxious, and irresolute, for all the tendencies and consequences of his own brave speech.

Joins the  
Parlia-  
ment.

Unfit for  
all its  
duties.

Nor he for friendship can be thought unfit,  
That strives his manners should precede his wit."

And again :

" If I would wish for truth, and not for show,  
The aged Saturn's age and rites to know ;  
If I would strive to bring back times and try  
The world's pure gold, and wise simplicity ;  
If I would virtue set as she was young,  
And hear her speak with one, and her first tongue ;  
If holiest friendship, naked to the touch,  
I would restore, and keep it ever such ;  
I need no other arts, but study thee :  
Who prov'ft all these were, and again may be."

Epigrams  
addressed  
to Rud-  
yard.

And still again—this grand and brave old Jonson could never say too much for the men he loved and honoured :

" Writing thyself, or judging others writ,  
I know not which thou'ft most, candor, or wit ;  
But both thou hast so, as who affects the state  
Of the best writer and judge, should emulate."

*Ben Jonson's Epigrams.*

Sayings  
and  
doings.

“ He should be very glad,” he said on one occasion, “ to see that good old decrepit law “ Magna Charta, which hath been kept so long “ bedrid as it were, walk abroad again with “ new vigour and lustre ;” but nobody, not Charles himself, was so much alarmed as Sir Benjamin, when that good old law did in reality get upon its legs again. Yet in this he was no traitor ; no renegade. It was the effect of timidity and of time. When these debates began, he had passed his seventieth year ; and thus in all probability he found himself sinking bedwards, at the very time when the gigantic statute before named was rising out of its long sleep. Though he continued still to act with the parliament, therefore, it is no very grave reproach to him that during the progress of the war he should have cried out incessantly (as indeed it became old age when sensible of the grave’s approach) for peace, for peace ; and he is even supposed to have gone so far as to entitle himself to the (in that day) equivocal praise, recorded on the title-page of one of his published speeches, of having “ nobly defended the Bishops.” But, convert to the desire for compromise as he so became, he at least did not desert, or malign, the men with whom he had acted in riper years. The good old knight, to say nothing of his honesty, was too much of a gentleman for that. Nor is there the remotest reason to infer, much as he disliked the conflict, that he was killed by it. He remained in his place in the House of Commons as long as he could ; still, however feebly, acting with Pym and with his successors

Conduct  
in old age.

No apof-  
tate.

(as for example in his speech against the Court of Wards as late as '45); still incessantly desiring a compromise; and, though he never regained any eminence in public affairs, not passing from the scene till he was eighty-seven. Acting in House till his death: æt. 87. It seems quite clear, therefore, that the writers or politicians who want a precedent for the desertion and abuse of a great cause, or a set of great principles, must not go to the life of the very estimable Sir Benjamin Rudyard. They must be satisfied with the study of the life of Hyde, which will show them, perhaps better than any other piece in history, how it is possible to act in intimate union with the principles and policy of a particular party at the commencement of a life, and to employ its close in steadily blackening the characters and opinions of the men with whom one had so acted cordially in earlier days.

When Rudyard resumed his seat, he was Mr. Bagshaw speaks: succeeded by Mr. Bagshaw, the member for Southwark, whose effective speech on grievances at the opening of the session had for a time given him a place in the House which he failed to make good. He had now joined Hyde's party, but did them small service in this discussion. All that has survived of his speech are two objections to a passage in the Declaration as to the abuses of the law courts; and against the tendency of one expression, against the Remon- "the rest of the clergy," to comprehend and blame the whole of that profession. But he france. was followed by a more powerful speaker.



§ XV. SPEECHES OF CULPEPER, PYM, BRIDGMAN, WALLER, AND HAMPDEN.

Sir John  
Culpeper  
speaks.

SIR John Culpeper, Dering's colleague in the representation of Kent, and, after Falkland, Hyde's strength and reliance in the debate, spoke next after Bagshaw; and we may well suppose the speech, from the fragment of it that remains, to have been highly characteristic of the man.\* With a ready elocution, he had a rough and hasty temper; and though, when he pleased, few were so qualified by memory and quickness to seize and reproduce all the points in a discussion, he seldom saw, or cared to see, more than that single point to which he chose to address himself. At all times in speaking, Hyde admits, he was warm and positive, uncourtly and ungraceful in his mien and motion, and somewhat indifferent to religion. His first objection now

Manner of  
speaking.

Character  
of Cul-  
peper.

\* "He seldom made an entire judgment of the matter in question, for his apprehension was commonly better than his resolution; and he had an eagerness or ferocity that made him less sociable than his other colleagues; (for his education and converse in the world had been in part military) and his temper hasty."—Sir Philip Warwick's *Memoires*, p. 196. "He might very well be thought a man of no very good breeding; having never sacrificed to the Muses, or conversed in any polite company."—Clarendon's *Life*, i. 106-8. In his *History* (ii. 94), he says that he could upon occasion, when he spoke at the end of a debate, as his custom often was, recollect all that had been said of weight on all sides with great exactness, and express his own sense with much clearness and such an application to the House, that no man more gathered a general concurrence to his opinion than he. This description, however, from other accounts, would seem to be much more applicable to the speaking of Pym.

Remark  
by Hyde:

more  
applicable  
to Pym.

to the Remonstrance was that it spoke of altering the government of the Church, and would therefore offend the people; an argument which certainly no other speaker would have had the boldness to put in that form. He then declared his opposition to rest upon two grounds. The first was, that the Declaration was unnecessary. The parliament had not been "scandaled" by any public act, and therefore needed not to send out any declaration to clear themselves. The second was, that if this were not so, it was yet both unconstitutional and dangerous in its present form. Going but from that House, he said, it went but on one leg. All remonstrances should be addressed to the King, and not to the people, because it belonged to the King only to redress grievances. Their writs of election did not warrant them to send any declaration to the people, but only to treat with the King and the lords: nor had it ever been done by any parliament heretofore. It would be most dangerous for the public peace.

Objects to Remonstrance:

not necessary:

and dangerous in form.

People not to be addressed alone.

The member for Tavistock rose after him, and delivered a speech which in the manuscript record of the debate before me is characterised as an answer to what had been said by the various members who preceded him; and of which the fragment remaining, scanty as it is, shows that this was indeed its character. Even here its massive and equal proportions are manifest; and we may trace again the calm power and self-possession with which the veteran leader of the Parliament appears to have passed in review the previous speakers, as his custom

Pym speaks.

Answers

preceding speakers. was in the great debates, and to have answered each. The boldness and plain speaking of his reference to the King was even for him remarkable.

Replies to Hyde: To Hyde's appeal that the House should be chary above all things of the King's honour, Pym replied that the honour of the King lay in the safety of the people, and that the members of that House had no choice now but to tell the truth. They had narrowly escaped great dangers, and the time was passed for concealment. The Plots had been very near the King. All had been driven home to the Court and the Popish party. To what the noble lord (Falkland) had objected against the alleged

replies to Falkland.

necessity of disallowing the votes of the Popish lords and their abettors the bishops, he answered that good laws passed in spite of those votes formed no answer to the assertion that the continued presence of such voters would prevent the future enactment of similar necessary laws. That debate itself might help to show how their dangers were increasing upon them; and

“ will any one deny,” asked Pym, “ that the “ Popish lords and the bishops *do* now obstruct “ us?” Nor could he see any breach of privilege in naming them; for had they not heretofore often complained of particular lords being away, and of miscarriages that lords had occasioned? Where also, he desired to know, should be the danger apprehended by “ the “ noble learned lord” in the recommendation to his Majesty not to choose such counsellors as that House might be unable to approve? “ We have suffered so much by counsellors of

Claim of Parliament to advise King.

“ the King’s choofing,” faid Pym, “ that we  
 “ defire him to advife with us about it.” He Right to  
 controul  
 minifters.

maintained that this courfe was constitutional, and where was the objection to it? Many of the King’s fervants were known to have moved him about fuch counfellors, and why may not the parliament? He enlarged upon this; and illuftrated the mischief of difregarding fuch advice by that quarrel with the firft parliament upon the unwife treaty of peace with Spain, which had been fraught with fo many evils.

The fame worthy lord, and the knight who Replies to  
 Culpeper. fpoke after him in the debate, had objected to the expreffion *idolatry*. But for himfelf, he declared his opinion that altar-worship was idolatry; and fuch worship had undoubtedly been enjoined by the bishops in all their cathedrals.

Coupling afterwards Sir John Culpeper’s affertion as to the danger of disturbing Replies to  
 Dering. the exifting Church government, with Sir Edward Dering’s urgent appeal againft the danger of permitting feftarianifm to intrude into the liturgy or fervice, Pym avowed his readinefs to join in a law againft feftaries, and remarked that they would moft furely prevent the evil by going to the root of what caufed it.

Let them take care, then, that no more of fuch pious and godly minifters as were now feparatifts beyond the fea, fhould be driven out of England for not reading the Book of Sports.

Adverting next to what had fallen Slanders  
 againft  
 Parlia-  
 ment. from opponents of the Declaration in admiffion of the flanders thrown out againft parliament, Pym challenged them to fhew that anything

*but* a Declaration could take away the accufa-

As to  
Church  
prizes.

Remarks  
on Rud-  
yard.

Replies to  
Bagshaw.

Opposes  
Lords'  
claim to  
share in  
Remon-  
strance.

tions that had so been laid upon the members of that House. To Dering's remark against the suggestion of a more equal provision for ministers of the Church, that it would interfere with the great prizes, he replied that he held it best that learning should be better provided for in the general than extravagantly rewarded in the particular. Another learned knight on the opposite benches (Sir Benjamin Rudyard) had objected to what he termed the prophetic part of the Declaration; but he would remind the worthy member that the Declaration did not prophesy, but said simply that which it believed to be fit, and might easily be done. The member who followed him (Mr. Bagshaw) had questioned the propriety of asserting that the Court of Chancery had grown arbitrary and unjust in their jurisdiction, but to this he replied that not the Chancery alone but every English court had of late years usurped unjust and arbitrary jurisdiction. To the worthy knight opposite (Sir John Culpeper) who averred that a declaration going from this House alone, without having desired the lords to join, went but upon one leg, he answered that the matter of this particular Declaration was in no respect fit for the lords. Many of the lords were accused in it. It also dealt throughout with subjects which had been agitated only in that House. The assertions made by the same honourable person, that all remonstrances should be addressed to the King, and that their writs of election did not warrant them to send any declarations to the people, were not borne out by the practice. Remonstrances

were not in truth directed either to the King or the people, but showed the acts of the House. If it were desired to present the Declaration now before them to the King, it must be done by Petition prefixed to it; and for his own part he inclined that such should be the course. Honourable speakers had complained of a direction to the people in this case, but where was it? Such had not been the purpose, nor was it necessary. It would suffice that its contents should reach the people, and be read by them. And when, by means of the Declaration, it became known throughout England how matters stood, and how the members of the House had been slandered, it would bind and secure to them the people's hearts.

An act of Commons, not of Lords or King.

Appeal to people from representatives.

It was late in that November evening before Pym resumed his seat, but candles had been brought long ago, and the debate still went on. Orlando Bridgman, member for Wigan, so soon to be Sir Orlando and law dignitary to the King, rose next from among the group of lawyers seated near Hyde, and questioned Pym's view of the House's right to remonstrate or declare alone. They could only consent, counsel, and petition; and it was expressly said, in the indemnity of the Lords and Commons, that nothing should be reported out of either House, without consent of both Houses. As for what had been said of the separatists driven beyond sea, he thought them a condition of men to be taken away, being they were not at all moderate. To the right of approval sought by the House for ever over all counsellors selected by the King, he ob-

Orlando Bridgman speaks.

Replies to Pym.

jected ; and he thought the temporary ground alleged, of the necessity so to obtain security for a proper use of the money to be voted for the affairs of Ireland, a reason too particular to justify so general a demand.

Edmund Waller speaks.

Edmund Waller started up and spoke after Bridgman, and with ingenious and lively turns of expression, as his custom was. He thought the Declaration ill-named, he said. It was aimed more at the future than the past, and expostulated less with what had been done than with what was expected to be done. He thought it should be called, not a *Remonstrance*, but a *Premonstrance*. And how unnatural were all such expedients for expressing the will of that House. Laws were the children of the parliament, and it did not become them to destroy their offspring by means of orders and declarations. By what authority, too, did they claim the right to control the King in the choice of his counsellors? Freeholders had power to choose freely the members of the House of Commons to make laws, and yet the King must not choose counsellors to advise according to law without the approbation of the House. In one sense it might indeed be a *Remonstrance*, but it was a *Remonstrance* against the laws.

Laws not to yield to Orders.

Why control the King?

John Hampden speaks.

John Hampden now rose. Little remains of what he said, but sufficient proof that he must have spoken, as he did ever, with calm decision, yet with that rare temper universally attributed to him in debate, and which even to a discussion so angry and passionate as this, could bring its portion of affability and cour-

tesy. What were the objections, he asked, to this Declaration? When that House discovered ill counsels, might it not say there were ill counsellors, and complain of them? When any man was accused, might he not say he had done his endeavour? "And," continued the member for Bucks, "we say no more in this."

Why  
object to  
Declara-  
tion?

The party opposed to the members of the House was prevalent, and it was therefore necessary for them to say openly that they had given their best advice. That was declared in the Remonstrance, and no counter remonstrance could come against them, being it was wholly true. Quiet and merely suggestive, however, as Hampden's general tone in this speech seems to have been, yet, once at least, in the course of it, he rose to a higher strain.

We have seen that Dering enforced his argument against using the power and revenues of the bishops in any attempt to strengthen the Church by so giving influence and increase to the general body of the clergy, by remarking that if any man could cut the moon out all into little stars, although the same amount of moon might still remain in small pieces, both light and influence would be gone. Taking up this extravagant illustration, Hampden claimed to apply it differently. He asked the House to remember what authority they had for believing that the stars were more useful to the Church than the moon. And then he quoted from the Book of Revelations the passage \* under which the perfect Church, the

Replies to  
Dering.

Quotes  
and  
applies  
Revela-  
tions.

\* "And there appeared a great wonder in Heaven: A Woman clothed with the sun, and the moon under her



spouse of Christ, is figured, and warned them that when the woman should be clothed with the sun, the moon would be under her feet, and her head would be circled with stars.

§ XVI. THE SPEECHES UP TO MIDNIGHT.

Hampden  
resumes  
seat: 9  
o'clock,  
P.M.

THE House had now been sitting, without interval or rest, for a length of time unexampled in any one's experience. It was nearly nine o'clock before Hampden resumed his seat, yet still the cries for adjournment were resisted amid excitement and agitation visibly increasing. D'Ewes had himself left the House soon after four in the afternoon. He foresaw, as he tells us, that the debate in the issue would be long and vehement; and having been informed by Sir Christopher Yelverton, member for Bossiney, that those who wished well to the Declaration did intend to have it passed without the alteration of any one word, he did the rather absent himself ("being also somewhat ill of a cold taken yesterday") because there were some particulars therein which he had formerly spoken against, and could not in his conscience assent unto, although otherwise his heart and vote went with it in the main. His relation of what followed in his absence, therefore, was derived by him from other members of the House.

Why  
D'Ewes  
had left at  
4 o'clock.

Attempts  
at com-  
promise  
resisted.

The resolution of which Yelverton informed D'Ewes, though relaxed upon a few points, appears to have been in the main steadily

"feet, and upon her head a crown of twelve stars."—*Revelations*, xii. 1.

adhered to; and it was this resolved determination to resist all attempts at any material compromise, which tended more than anything else to prolong and exasperate the opposition. Several such attempts were made, but without success. Though verbal changes were assented to,\* and one clause was omitted, it may be inferred, from the two divisions which immediately preceded those taken upon the main question, that such few previous changes were not made under the pressure of any adverse vote. The first was upon a proposition by the promoters of the Declaration to remove a clause to which they had found reason to object, and this they carried, in a House of three hundred and ten members, by a majority of sixty-four.† The second division, which was taken on the clause avowing the necessity

Two divisions.

i. 187 to 123.

\* I subjoin what appears as to this in the Journals of the House. "Resolved, That the Courts of Chancery, Exchequer Chamber, &c. are arbitrary and unjust in their proceedings, to be left out; and to be added instead thereof, which have been grievous in exceeding their jurisdiction. 'Loose persons' to be made 'Libertines.' Resolved upon the question, that these words which authority shall enjoin, be made which the law enjoins. Resolved, For to him they are best known, that these words to be left out. Resolved, that the word First be left out; and that the clause beginning with the word which, and ending kingdom, be left out." This omitted clause, which had relation to the Court of Requests, was probably that to which D'Ewes referred when, after the remark quoted in the text, he added, "But those who desired the declaration might pass, were compelled, contrary to their resolution of which Sir Christopher Yelverton had informed me, to suffer many particulars to be altered, and amongst the rest that which I could not have assented unto." See *Ante*, p. 257.

Subject of first division.

Remark by D'Ewes.

† Sir Thomas Barrington and Sir John Clotworthy were tellers for the ayes, Sir Frederick Cornwallis (member for Eye in Suffolk) and Mr. Stanhope (member for Tamworth, and fourth son of Lord Chesterfield) for the noes.

ii. and intention to reduce the exorbitant power  
 161 to 147. of the bishops, ran closer, for, though in the  
 interval, two members only had left the House,  
 the liberal majority was only fourteen.\*

Denzil  
 Hollis  
 speaks.

Still it sufficed; and no signs of receding  
 were shown. More firmly than ever, there-  
 fore, as the night went on, the debate con-  
 tinued to rage; and what remains of the  
 speech of Denzil Hollis gives proof of a less  
 tolerant and more defiant temper than any  
 previous speaker had exhibited. He plainly  
 avowed with what belief and expectation he  
 was there to support the Declaration. The  
 kingdom, he said, consisted of three sorts  
 of men, the bad, the good, and the indifferent.

People to  
 be influ-  
 enced.

The indifferent could turn the scales, and that  
 kind of men it was their hope to satisfy by  
 publishing this Remonstrance. In denial of  
 what had been averred by Culpeper, Bridgman,  
 and other speakers, he declared the House to  
 be expressly empowered, by their writs of  
 election, to do this; and he quoted, in proof,  
 the language of the writ by which they were  
 called *ad tractandum de arduis negotiis, &c.*

Power of  
 House to  
 declare  
 singly.

As to the ability residing in either branch of  
 the legislature to make Declarations without  
 the concurrence of the other, he said that it  
 rested on grounds not to be assailed. The  
 Lords had often made Declarations without the  
 Commons, as about the Irish nobility; and  
 the Commons without them, as about the

Second  
 division.

\* The numbers were 161 to 147, Sir Walter Earle and  
 Mr. Arthur Goodwyn (Hampden's colleague in the repre-  
 sentation of Bucks) telling for the majority, and Sir F. Corn-  
 wallis and Mr. Strangways for the minority.

Duke of Buckingham. It had been objected that there were subjects on which they of that House were not entitled to advise his Majesty, but all necessary truths must be told. If kings were misled by their counsellors, the people's representatives may, nay they must, tell them of it. It was a duty which rested within safe limits. They only beseeched the King to choose good counsellors, for against such the House would never except.

Right to control King's advisers.

Many members rose after Hollis, but Speaker Lenthall's eye (a rule of precedence only lately adjudged to be settled)\* rested first on lawyer Glyn, the member for Westminster, soon to be recorder for London. There had been some doubt as to the line he would take, but he speedily removed it. It was against nature, he said, not to have liberty to answer a calumny, and there was no way but by Remonstrance to repel what had been laid upon them. They had made a Remonstrance in the first year of the reign, and that without the Lords; and in the third year, if the Speaker of the House had sat still in his chair, a Remonstrance would have been voted, and no fault found with it. The right was unquestionable. Both the Lords temporal and the Bishops had often severally protested without the Commons. He approved also of the matter of the Declaration. It was an honour

Glyn speaks.

Precedents for remonstrance.

Reasons in its favour.

\* "Then," says D'Ewes (in the course of his note describing the debate on the Canons, 26th November, 1640, after Speaker's Glyn had done speaking), "long dispute ensued who should eye rule" "speak, divers stood up, and at last ruled for Mr. White, of precedence." "and the Speaker's eye adjudged to be the rule."

to let the world see that in one twelvemonth they could reduce the distempers of twelve years. The people trusted that House, and it was therefore no dishonour to strive to satisfy them.

Mr.  
Coventry  
speaks.

From the anxious group of members who sat near Hyde, among whom were now gathered several servants and officers of the King, Mr. Coventry, member for Evesham and second son of the deceased Lord Keeper, rose after Glyn, and appealed to the House at least to address the Declaration to the King, if they should persist in voting it. Though men build their monuments in their own time, he said, yet a chronicle of any King's reign had never, until now, been written in his life-time, without his own consent. After him started up Mr. Geoffrey Palmer, the well-known lawyer (he was Attorney-General at the Restoration), member for Stamford, and Hyde's intimate friend and counsellor, who asserted with much vehemence that the House could *not* declare without Lords and King, nor had ever done it, and that the best way for the Commons to answer a scandal was to neglect it. As to his friend's law, however, "honest Jack Maynard" at once rose and protested, when Palmer resumed his seat. It was fully competent to the House to declare to the people, for, he continued, if they should do nothing but what was ordained and settled with the other branches of the State, they would assuredly sit still. They petitioned only for liberty to approve, they did not dictate the choice of, the counsellors of the King.

Geoffrey  
Palmer  
speaks.

Maynard  
speaks.

Meanwhile, as the debate thus continued to <sup>Midnight</sup> rage towards midnight, one counsellor of the <sup>approach-</sup> King had silently and sadly withdrawn. His Majesty's correspondent Nicholas, under promise to inform him that night of the result of the discussion, had waited and watched until nearly worn out with fatigue, and had then of necessity repaired to Whitehall to close and forward his dispatch. He first added to it the subjoined words, little supposing that they would be rendered very memorable by what occurred in the House after his departure. Secretary Nicholas retires.

“ The Commons have been in debate about  
 “ their Declaration touching the ill effects of  
 “ bad councils ever since twelve at noon, and  
 “ are at it still, it being near twelve at mid-  
 “ night. I stayed this dispatch in hope to <sup>Writes to</sup>  
 “ have sent your Majesty the result of that <sup>the King.</sup>  
 “ debate, but it is so late, as I dare not (after  
 “ my sickness) adventure to watch any longer  
 “ to see the issue of it: only I assure your  
 “ Majesty there are divers in the Commons’  
 “ House that are resolved to stand very stiff  
 “ for rejecting that Declaration, *and if they*  
 “ *prevail not then to protest against it.*” So  
thoroughly had Hyde’s party previously re-  
solved upon, and so unreservedly communi-  
cated to the ministers of the King, the step  
which they afterwards declared was quite un-  
premeditated, and indeed rendered suddenly  
 necessary by the tactics of their opponents. But Nicholas would hardly have repeated it, even to his master, could he have seen the turn that affairs were to take. <sup>Reveals Hyde’s purpose.</sup>

§ XVII. QUESTION PUT, AND PALMER'S  
PROTEST.

MR. Secretary Nicholas had not long left the House when, a little after twelve o'clock, the main question whether the Remonstrance should pass was at last allowed to be put. In his History, Clarendon admits that it was the party led by Mr. Hyde (himself) which so long had resisted the incessant calls for a division; and that they hoped to profit in numbers by so wearing out their opponents, is the plain and irresistible inference. Nevertheless, he proceeds to tell his readers that when midnight arrived, many were gone home to their lodgings out of pure indisposition of health, having neither eat nor drank all the day; and others had withdrawn themselves, that they might neither consent to it, as being against their reason and conscience, nor disoblige the other party by refusing;\* leaving it to be inferred, that the gain from delay was entirely to the other party, not his own. In another passage † he conveys a similar impression, informing us that candles having been called for when it grew dark “(neither side being very desirous to adjourn it till the next day, though it was evident very many withdrew themselves out of pure faintness and inability to attend the conclusion), the debate continued till it was after twelve of the clock, with much passion.” And again he

Resistance to putting question.

Which side gained by delay.

Hyde's statement:

\* *Hist.* ii. 595.

† *Ibid.* ii. 42.

says, in a third passage,\* that the party led by Mr. Pym knew well enough that the House had not, at that time, half its members present, though they had provided that not a man of *their* party was absent; and that they had even then carried it by the hour of the night, which drove away a greater number of old and infirm opposers, than would have made those of the negative superior in number. Assuming for a moment that this was so; that the hour of the night did really carry it; and that it was, as Whitelocke affirms Sir Benjamin Rudyard compared it to, the verdict of a starved jury;† surely it is inexplicable that from Pym and his friends, who were to profit by the exactly opposite course, should have proceeded all the efforts that were made to force on the division at an earlier hour. But the first thing to settle, in disputes of this kind, is the authenticity of the point in dispute. We commonly are at "What's the reason of it," as Selden says, before we are sure of the thing; and he interposes an excellent

White-  
locke's :

reasons  
to the  
contrary.

\* *Hist.* ii. 44.

† "The fitting up all night caused many through weakness or weariness to leave the House, and Sir B. R. to compare it to the verdict of a starved jury" (*Memorials*, 51, ed. Whitelocke's 1732). In reading the Memorials, however, valuable as they are, it is always necessary to keep in mind not only the fact that they were compiled at a time not very favourable to the cause which the author had once strongly supported, and that great portions of them consist of paragraphs taken not very discriminatingly from Journals and Newspapers, but the suspicion which there is good ground for entertaining that they were very greatly interpolated before publication. The publication took place in Charles the Second's reign, twenty-two years after the restoration, seven after Whitelocke's death.

Not reli-  
able.



Truth of the case. question of my Lady Cotton's, "when Sir Robert was magnifying of a shoe, which was Moses's or Noah's, and wondering at the strange shape and fashion of it, *but, Mr. Cotton, says she, are you sure it is a shoe?*"

Numbers on first division: 310. The real truth in this case appears to be, that there is no shoe. The evidence disproves the assertion that a number of "old and infirm opposers" had been driven away before the vote by the lateness of the hour. Very few indeed, and those only occasional stragglers, had quitted the House before the great division.

On second division: 308. Two divisions on minor points preceded it, as we have seen, with some interval interposed; yet upon the first, three hundred and ten members divided, and upon the second, three hundred and eight; and these, being more than three fifths of the entire House, were certainly as large an assemblage as had been mustered since the Recess within its walls.\*

What, then, were the numbers on the third and most important division? They had been reduced by simply one vote, and this in all probability the vote of Secretary Nicholas. I quote the entry from the Journals.† "The

Numbers commonly present. \* This point has already been adverted to *ante*, 163-4; and I will only add that in a debate reported by D'Ewes on the 13th of the month following that in which the Remonstrance was passed, it appears that the exact number absent on the latter occasion were absent still. The expression used is, "200 members still absent after our recess." And in this particular debate, "Sir John Evelyn of Surrey" undertook to show that that number "had not been here since this second meeting." On this same occasion it was that Strode made the proposition, already referred to, to fine a member 5*l.* or expel him, if he quitted town without leave. "It was," says D'Ewes, "much debated, but laid aside."

† *Commons' Journals*: ii. 322.

“question being proposed, whether this Declaration, thus amended, shall pass; the question was put, whether this question should be first put? and it went with the Yeas: And then the question was put, whether this Declaration, thus amended, shall pass? The House was divided. Sir Frederick Cornwallis and Mr. Strangways, tellers for the Noe, 148; Sir John Clotworthy and Mr. Arth. Goodwyn tellers for the Yea, 159. Resolved, upon the question, that this Declaration, thus amended, shall pass.”

On third division: 307.

The question so long and desperately debated had hardly thus been settled, however, when that new question arose which was to create a new and worse agitation, and to carry almost to the pitch of frenzy the excited passions of the House. As soon as the vote was declared, Clarendon proceeds to say in his History, “Mr. Hampden moved that there might be an order entered for the present printing it, which produced a sharper debate than the former. It appeared *then*” (as if this had not been avowed all through the debate), “that they did not intend to send it up to the house of peers for their concurrence; but that it was upon the matter an appeal to the people, and to infuse jealousies into their minds. It had never\* been the custom to publish any debates or deter-

New question raised.

Clarendon's Narrative: Hist. ii. 42.

\* The first editors of Clarendon seem to have been so started by his use of this word, in direct contradiction of a well-known fact, that they substituted “seldom” for it. The genuine text was only restored in 1826-7.

As to  
Hyde's  
protest :

as to  
Palmer's :

as to  
others :

“ minations of the House, which were not  
 “ regularly first transmitted to the house of  
 “ peers; nor was it thought, in truth, that  
 “ the House had authority to give warrant  
 “ for the printing of anything; all which  
 “ was offered by Mr. Hyde, with some  
 “ warmth, as soon as the motion was made for  
 “ the printing it: and he said, ‘ he did believe  
 “ ‘ the printing it in that manner was not  
 “ ‘ lawful; and he feared it would produce  
 “ ‘ mischievous effects; and therefore desired  
 “ ‘ the leave of the House, that if the question  
 “ ‘ should be put, and carried in the affir-  
 “ ‘ mative, that he might have liberty to  
 “ ‘ enter his protestation;’ which he no sooner  
 “ said than Geoffrey Palmer (a man of great  
 “ reputation, and much esteemed in the House)  
 “ stood up, and made the same motion for  
 “ himself, ‘ that he might likewise protest.’  
 “ When immediately together, many after-  
 “ wards, without distinction, and in some  
 “ disorder, cried out, ‘ They did protest:’  
 “ so that there was after scarce any quiet  
 “ and regular debate. But the House by  
 “ degrees being quieted, they all consented,  
 “ about two of the clock in the morning, to  
 “ adjourn till two of the clock the next  
 “ afternoon.”

as to  
close of  
debate :

So did the chief actor in a very memorable scene, writing deliberately in his exile a few years after the event, when nothing of the dignities, the responsibilities, or the trials incident to his later life, had occurred to impair or preoccupy his memory, describe the close of a stormy debate in which he had taken so

prominent a part. We shall shortly be able to test its accuracy. With how much accuracy the same writer had before described its commencement, has already been seen.\* Of the similar spirit in which its progress had also been narrated, the reader who has here had all its details before him will be able to judge, when he is further informed, still on Lord Clarendon's authority,† that "the debate held as to incidents in its progress. " many hours, in which the framers and contrivers of the Declaration said very little, " nor answered any reasons that were alleged " to the contrary: the only end of passing it, " which was to incline the people to sedition, " being a reason not to be given: but still " called for the question, presuming their " number, if not their reason, would serve to " carry it; and after two of the clock in the " morning (for so long the debate continued, " if that can be called a debate where those " only of one opinion argued), when many had " gone home, &c. &c." It may be doubted if history contains such another instance of flagrant and deliberate falsification of the truth, committed by one to whom the truth was personally known. A tissue of misstatements.

Nor unworthy to rank beside it are the sentences first quoted, descriptive of what followed as to his own and Palmer's protestation when the Remonstrance had passed. It was not Hampden who moved the order for the printing,‡ but Mr. Peard, the member for Real mover of printing.

\* See *ante*, p. 214.

† *Hist.* ii. 594-5.

‡ It is somewhat strange that this particular misstatement should have been made by Clarendon, whose habit it is to

Mr. Peard. Barnstable, a lawyer of the Middle Temple in good repute in his profession, and who had sat in the last as well as the present parliament. It was not then announced for the

represent Hampden as invariably, on such occasions, reserving himself in the background and putting others in the front. I am bound to add that Clarendon seems to have shared with others this habit, which I once thought peculiar to himself. For, as it is one of the objects of this Work to show how entirely untrustworthy is his authority for any statement adverse to the leaders against Charles I, it is the more necessary not to omit any instance in which such statements made by him find unexpected support. Thus, in an entry of D'Ewes's Journal relating to the debate of "the Bill of Episcopacy," on the 10th June, 1641, after mentioning that the bill was moved by Sir Robert Harley, the member for Herefordshire, Sir Simonds adds: "Mr. Pym, Mr. Hampden, and others, with " Mr. Stephen Marshall, parson of Finchingfield in the county " of Essex, and some others, had met yesternight and appointed " that this bill should be proceeded withal this morning, and " the said Sir Robert Harley moved it first in the House: for " Mr. Hampden, out of his serpentine subtlety, did still put " others to move those businesses that he contrived." It is impossible not to compare this with what Clarendon says (*Hist.* iv. 93) of Hampden's moderation during the first year of the Long Parliament, "that wise and dispassioned men " plainly discerned that that moderation proceeded from pru- " dence, and observation that the season was not ripe, rather " than that he approved of the moderation; and that he be- " gat many opinions and notions, the education whereof he " committed to other men, so far disguising his own designs, " that he seemed seldom to wish more than was concluded." The reader will at the same time not too hastily conclude, that, even assuming the feeling reflected in these passages to have been entertained by members on both sides of the House, it is necessarily the true one. Hampden's was a character, more than most men's, open to misconception. He was peculiarly self-reliant and self-contained, and in a remarkable degree he had the faculty of silence. Until the time arrived for speaking, he had never the least disposition to utter what lay within the depths of his breast—*altâ mente repôstum*. On no man of this great period is so unmistakably impressed the qualities which set apart the high-bred English gentleman, calm, courteous, reticent, self-possessed; yet with a persuasive force so irresistible, and a will and energy so indomitable, lying in those silent depths, that all who came within their reach came also under their control. Clarendon, though he still

Hyde and Hampden.

D'Ewes on Hampden.

Art of making use of others:

open to misjudgment.

first time, but had substantially been confessed all through the debate, that the Declaration was meant as an appeal to the people. And so far from the desire to "protest" having arisen naturally and suddenly out of that announcement, we have seen, by the irrefragable evidence unconsciously afforded in Secretary Nicholas's letter to the King, that the protest had been concerted as a party move, and made known to the King's servants before the Declaration was voted. The intention was obvious. It was meant to divide, and by that means destroy, the authority of the House of Commons. It was a plan deliberately devised to exhibit, before the face of the country, the Minority as in open conflict against the Majority, and as possessed of rights to be exercised independently. The

True object of "protesters."

To divide and destroy authority of House.

imparts his own colour to the feeling, gives it fairer expression in the passages where he speaks of his possessing "that seeming humility and submission of judgment as if he brought no opinion of his own with him, but a desire of information and instruction; yet had so subtle a way of interrogating, and under the notion of doubts, insinuating his objections, that he left his opinions with those from whom he pretended to learn and receive them." And again he says: "He was not a man of many words, and rarely begun the discourse, or made the first entrance upon any business that was assumed; but a very weighty speaker, and after he had heard a full debate, and observed how the House was like to be inclined, took up the argument, and shortly, and clearly, and craftily, so stated it, that he commonly conducted it to the conclusion he desired; and if he found he could not do that, he was never without the dexterity to divert the debate to another time, and to prevent the determining anything in the negative which might prove inconvenient in the future." *Hist.* i. 323-4. Here we have again the craft and the subtlety, but it is less "serpentine." I have enlarged upon this theme in my *Arrest of the Five Members*, § xvii.

Clarendon: *Hist.* iv. 92.

A governor of men.

Why so  
resolutely  
resisted.

balance would be thus redressed; and the King's party, outvoted in the House, would yet be a recognised power without its walls, and would carry thenceforward a share of its authority. Happily, the leaders saw the intention, and on the instant met and defeated it. The right to protest, they said, never had been, and never could be, admitted there. The House of Commons was indivisible. It acted with one will, and one power; and it exercised rights with which individual claims were incompatible. Its authority derived from the people, its privilege to address them, its power to tax them, rested upon a foundation that would at once be undermined and overthrown by what Hyde and his friends had asked for.

Existence  
of House  
involved.

Unex-  
ampled  
scene.

To use merely the language of Clarendon in giving account of what followed thereupon, and simply to say that many members rose to speak without distinction and in some disorder, so that there was after scarce any quiet and regular debate, were to offer a faint version indeed of the truth. Never had those walls witnessed such a scene as now, from the report of eye-witnesses less prejudiced and partial, waits to be described.

### § XVIII. VALLEY OF THE SHADOW OF DEATH.

Remonstrance  
carried by  
159 to  
148.

HARDLY had announcement been made of the division which carried the Remonstrance by a majority of eleven votes, when one more strenuous effort was made to have it addressed

to the King. This was successfully resisted; Denzil Hollis expressing his intention to move, *Post*, 343. on another occasion, that it should be referred to a committee to give effect to the modified suggestion already thrown out by Pym. Mr. Peard then moved that the Declaration might be printed, which was opposed with the greatest warmth and vehemence by Hyde and Culpeper; *Peard moves printing.* Hyde again giving utterance to the extraordinary opinion he had ventured to express in the debate, that the House of Commons had no right to print without the Lords' concurrence. *Hyde. opposes.* Wherefore, he added, if the motion were persisted in, he should ask the leave of the House to have liberty to enter his protest. Culpeper's speech in the same strain, replying to the determined objection made upon this, first *Confused debate.* very calmly by Pym, and then more excitedly by Denzil Hollis, carried the excitement still higher; and in the midst of it were now heard several voices, and among them very conspicuously that of Palmer, crying out that they also protested. Some one then rose, and moved that the names of the protesters might be taken; but this, being declared against the forms and orders, was not at the moment pressed. "So," according to D'Ewes's account, derived from Sir Christopher Yelverton, "this matter was understood to be laid aside until a further time of debate, when everybody thought the business had been agreed upon, and that the House should have risen, it being about one of the clock of the morning Palmer moves to take down names" "ensuing, when Mr. Geoffrey Palmer, a lawyer of the Middle Temple, stood up."



of all  
claiming  
to protest.

He should not be satisfied, he said, for himself or those around him, unless a day were at once appointed for discussion of whether the right to protest did not exist in that House; and meanwhile he would move, with reference to such future discussion, that the Clerk should now enter the names of all those whose claim to protest would then have to be determined. At these words the excitement broke out afresh; loud cries of "All! All!" burst from every side where any of Hyde's party sat; and Palmer, carried beyond his first intention by the passion of the moment, cried out unexpectedly that he *did* for himself then and there protest, for himself and all the rest—"of his mind," he afterwards declared that he meant to have added, but for the storm which suddenly arose.

Cries of  
"All!  
All!"

Palmer  
protests  
for "all."

The word *All* had fallen like a lighted match upon gunpowder. It was taken up, and passed from mouth to mouth, with an exasperation bordering on frenzy; and to those who in after years recalled the scene, under that sudden glare of excitement after a sitting of fifteen hours,—the worn-out weary assemblage, the ill-lighted dreary chamber, the hour founding One after midnight, confused loud cries on every side breaking forth unexpectedly, and startling gestures of violence accompanying them,—it presented itself to the memory as a very Valley of the Shadow of Death. "All! all!" says D'Ewes, was cried from side to side; "and some waved their hats over their heads, and others took their swords in their scabbards out of their belts, and held them by

Sudden  
fury of  
excite-  
ment.

"I  
thought  
we had all  
sat in the  
Valley of  
the Sha-  
dow of  
Death."

“ the pummels in their hands, setting the lower  
 “ part on the ground ; so, as if God had not  
 “ prevented it, there was very great danger  
 “ that mischief might have been done. All  
 “ those who cried *All, all*, and did the other  
 “ particulars, were of the number of those  
 “ that were against the Remonstrance.” And  
 among them was the promising young gentle-  
 man of the King’s house, Mr. Philip Warwick,  
 the member for Radnor, who bethought him,  
 as we have seen, of that brief scriptural com-  
 parison from the wars of Saul and David,\*  
 his application of which comprised all that,  
 until now, was known to us of this extraordi-  
 nary scene. He thought of what Abner said  
 to Joab, and Joab to Abner, when they met  
 on either side of the pool of Gibeon; and how,  
 having arisen at the bidding of their leaders to  
 make trial of prowess, their young men caught  
 every one his fellow by the head, and thrust  
 his sword in his fellow’s side, and so fell down  
 together ; a result which might have followed  
 here, had not the sagacity and great calmness of  
 Mr. Hampden, by a short speech, prevented it.

It is not perhaps difficult to imagine, from  
 what D’Ewes goes on to say of the short but  
 memorable speech, with what exquisite tact  
 and self-control this profound master of debate  
 calmed down the passions of that dangerous  
 hour. He saw at once that the motion for  
 printing could not then with safety be persisted  
 in ; and, reminding the House that there might  
 be many who, having supported the Remon-

Swords  
ready for  
mischief.Parallel  
from  
Saul’s  
wars.Calm-  
ness of  
Hampden.Shows  
Palmer’s  
presump-  
tion.\* Samuel II. Chap. ii. v. 12-16. And see *ante*, p. 112.

france, might yet be opposed to the printing of it, he asked how any one could so far know the minds of such as to presume to enter a protest for *them*? "Some who were against the printing of the Remonstrance," says D'Ewes, "yet disavowed Mr. Palmer's desiring to have a protestation entered in their names; *and Mr. Hampden demanded of him how he could know other men's minds?* To whom Mr. Palmer answered, having leave of the House to speak, that he having once before heard the cry 'All, All,' he had thereupon desired to have the said protestation entered in all their names."

How  
should he  
answer  
for "all."

The  
House  
calmed.

Printing  
to be left  
unfettered.

Fourth  
Division:  
124 to 101.

The mere question and answer had quelled the unnatural excitement, and brought the House again, as Hampden anticipated, within government and rule. Agreement was then come to, that the question as to the printing of the Declaration should for the present be left undetermined, with the understanding that it was not to be printed without special leave. Hyde's party would further have restricted this order, by introducing the word "published" into it; but Pym, refusing to consent to that addition, divided the House once more, and carried the original proposal, "that this Declaration shall not be printed without the particular order of the House," by a majority of twenty-three: thus leaving the publication free, and restraining the printing only until further order. The numbers were 124 to 101; Sir Edward Dering and Sir Robert Crane, D'Ewes's colleague in the representation of Sudbury, being tellers for the minority;

and for the majority, Sir Walter Earle and Mr. Richard Knightly, the member for Northampton. Between the last division and the present, thirty-five of Pym's party and forty-seven of Hyde's had quitted the House. And so, says D'Ewes, "the House arose just <sup>House rises 2 A.M.</sup> " when the clock struck two the ensuing " morning."

In the rush to the door after their weary sitting of eighteen hours, Falkland and Cromwell passed out together; and Hyde afterwards reported, on the relation of his friend, that even the member for Cambridge, usually so "tempestuous" in behaviour, showed no exultation at the victory his party had gained. Not as of a triumph won, but as of a danger narrowly escaped, was Cromwell's reference to the vote which had closed this momentous debate. If it had gone against them in that vote, he said, he and many other honest men he knew would have told all they had this very morning, and never have seen England more. And though the speaker is not, perhaps, likely in express terms to have said this, any more than to have acted in any such fashion, the anecdote doubtless represents what substantially was not untrue. The turning point of freedom or despotism for two more centuries in England was probably passed that night. <sup>What Cromwell said of the vote.</sup> <sup>Turning point of freedom or despotism.</sup>

§ XIX. SITTING OF TUESDAY, THE 23RD NOVEMBER.

CLARENDON fixes as late as three o'clock the Tuesday, hour of meeting on the day following the <sup>23rd Nov.</sup>

House  
meets  
at 10  
o'clock.

Business  
in hand.

Four P.M.  
Pym refers  
to last  
night's  
scene.

Mis-  
chievous  
claim put  
forward :

famous sitting of which I have thus, for the first time, given all the impressive details. But in reality the House assembled only a little later than the usual hour. Much important business, not admitting of delay, was in hand; and the further loan of fifty thousand pounds from the City for the Irish affairs, to bear interest at eight per cent., had this day to be completed. A little incident marked the temper of the House. Early in the month the Queen's confessor, Father Philips, had for contumacious conduct been committed by the Lords to the Tower, and no order was to be given for his release without the knowledge of the Commons. He had now made submission, and in deference to an urgent message from the Queen, the Lords had ordered his release; but on their messenger bringing this intimation to the Commons, a peremptory refusal was sent back, and Father Philips had to return to the Tower. This incident had passed, and it was nearly four o'clock in the afternoon, when Pym arose, and made allusion to the scene of the night before. He lamented the disorder on that occasion, which, he said, might probably have engaged the House in blood. It proceeded principally, he continued, by the offering a protestation, which had never before been offered in that assembly; and was a transgression that ought to be severely examined, that mischief hereafter might not result from the precedent. He therefore proposed that the House should the next morning enter upon that examination: and in the meantime he advised that men might recollect themselves,

and they who used to take notes might peruse their memorials; to the end that the persons who were the chief causers of the disorder might be named, and defend themselves the best they could. "And with this resolution," adds Clarendon, "the House rose; the vexation of the night before being very visible in the looks and countenances of many."\*

How far the further statement made herein by Clarendon is to be believed, must be judged upon the facts. He says, as we have seen, that the House did not meet till three in the afternoon: But the statement in D'Ewes's Notes (and this is borne out by the Journals) leaves no doubt that the House was in debate soon after ten o'clock. He asserts that the most part of the day had been passed by the leading men in private consultations, having for their object how to chastise some of those who most offended them the night before, and how to punish the attempt to introduce the dangerous and unheard-of precedent of protesting against the sense of the House: But the private consultations must in that case have been held during the open sitting, for the leading men on Pym's side were unquestionably engaged, in public, upon the bill for determining parliamentary privilege, upon the Committee of Irish affairs, upon the bill of tonnage and poundage, upon the City loan, and upon the case of the Queen's confessor. He explains that the subject of private consul-

to be discussed next day.

The truth, and Clarendon's version of it.

As to party counsels.

Impossible as stated.

\* *Hist.* ii. 46. D'Ewes simply says of the rising of the House, that "they appointed to meet to-morrow at ten, and rose between four and five of the clock."

As to a  
purpose  
against  
himself:

rejected by  
Northern  
men.

As to  
disputes  
among the  
leaders.

Not con-  
firmed by  
D'Ewes  
or Verney.

tation was all the more grateful to the "leading violent men who bore the greatest sway," because they should thereby take revenge upon Mr. Hyde (himself), whom they perfectly hated above any man, and to whose activity they imputed the trouble they had sustained the day before; only they encountered an unexpected difficulty from an important section of their supporters, the Northern men as they were called, led by Sir John Hotham, Sir Hugh Cholmondeley, and Sir Philip Stapleton, members for Beverley, Scarborough, and Boroughbridge, who were so grateful to Mr. Hyde for his services in overthrowing the monstrous oppression of the Court of York, that they refused to join against him, though very eager to make others responsible; and he adds that this dispute, which broke out in the private council in the morning, occupied all that day and night, and was only terminated by the compromise of selecting another person, Palmer, to bear the brunt of punishment: But if all this were so, it is strange that neither Sir Simonds D'Ewes nor Sir Ralph Verney, in Notes still preserved exactly as they were taken at the moment, should in any form confirm or make allusion to it; and still more strange that the leaders should have proposed to make Hyde responsible for the minor offence of asking leave to protest, which had led to no disturbance, and to pass by the real offence of Palmer, who reopened the question that had been laid aside, did actually protest without asking leave,\* and brought on the scene that

\* Clarendon is obliged to admit this distinction, even where

followed. It will be perhaps the more natural, and certainly no unfair, conclusion to form, that the writer who deliberately had misrepresented and misstated every single successive incident in these memorable debates, has misrepresented this also. Happily the means of refutation are at hand; and from records taken at the moment, and quite above suspicion, the account given by Clarendon can be corrected, and the story of the Grand Remonstrance be faithfully carried to its close. It is but another chapter of the same great theme that presents itself in the Debate on Palmer's Protest.

Why not credible.

Refuted by MS. of D'Ewes.

### §. XX. DEBATE ON PALMER'S PROTEST.

ON Wednesday, the 24th of November, the Speaker arrived at the House at about ten o'clock, when, after prayers were read, certain necessary business of no great interest was done, and Pym moved the appointment of some committees. He then, producing a printed pamphlet, purporting to be Articles of Accusation preferred against Father Philips, and containing matters of scandal against the French Ambassador, pointed out the grave offence of disseminating such falsehoods, and called the printer to the bar. Hereupon Mr. Ralph Goodwin, the member for Ludlow (he who

Ninth Debate: Wednesday, 24th Nov.

Pym denounces scandalous prints.

he is doing his best to exaggerate the cause of offence he had Clarendon himself given. "He was the first" (he is speaking of himself) don: "who made the protestation, that is, *asked leave to do it*; Hist. ii. 45. "which produced the other *subsequent clamour*, that was "indeed in some disorder."



Com-  
plaints  
of Pam-  
phleteers.

Referred  
to Com-  
mittee for  
abuses of  
printing.

Pym  
speaks  
against  
"protest."

*Hist.* ii.  
46-7.

was afterwards secretary to Prince Rupert), took the same opportunity of complaining, that a pamphlet scandalous to the King himself had also just been printed, purporting to be the account of a duel between Sir Kenelm Digby and a French Lord, as to which he moved that the printer thereof might also be questioned. To whom, with a similar complaint of unauthorized printing, succeeded Mr. Robert Reynolds, who sat for Hindon in Wiltshire, and was afterwards one of the King's judges, and who brought before the House the fact, that the examination of a delinquent priest, taken by one of their committees, still remaining in his own possession, and not yet reported to the House, had been suddenly issued in print; an offence which also called for punishment. "Upon all which motions," D'Ewes adds, "it was ordered that the former committee for printing (of which I was one) should meet to-morrow morning at seven of the clock, in the Inner Court of Wards, and should examine these abuses now complained of, and all other abuses of the kind, and to consider of some way for the preventing thereof."

Then succeeded the more interesting business of the day, introduced as usual by the member for Tavistock. He called the attention\* of

\* This opening of the proceedings, down to the appearance of Hotham in the debate, is taken from Clarendon. It is here given because, although neither in the notes of D'Ewes, nor those of Verney, is there any mention of it,—both beginning their account with Hotham's speech,—it is not only quite possible that Hyde may have spoken what he here attributes to himself, but it is even likely that he so endeavoured

the House to the offence which had been committed on Monday night. He enlarged upon the mischief it was then like to have produced, and which would unavoidably be produced, if the custom or liberty of individuals protesting against the sense of the House should ever be admitted. That was the first time it had ever been offered there, and care ought to be taken that it should be the last, by severe judgment upon those who had begun the presumption. Whereupon Hyde rose and said, that it concerned him to justify what he had done, being the first man who mentioned the protestation. But he was interrupted by a general noise and clamour, one half the House crying to him to "withdraw," and the other half to "speak." He waited awhile, and then resumed. He was not old enough, he said, to know the ancient customs of that House; but he well knew it was a very ancient custom in the House of Peers. Leave was never denied there to any man who asked that he might protest, and enter his dissent, against any judgment of the House to which he would not be understood to have given his consent; and he did not understand any reason why a commoner should not have the same liberty, if he desired not to be involved in any vote which he thought might possibly be inconvenient to him. He had not offered his protestation against the Remonstrance, though he had opposed it all he

Shows its danger.

Hyde defends it :

amid clamour.

Why not Commons as well as Lords ?

to put himself forward, when he found that his friend Palmer Hyde and was to be called to account. The matter of the so-called Palmer. private dispute raised as between Hyde and Palmer, which I altogether disbelieve in, is not affected by it either way.

Repeats  
protest  
against  
printing.

could, because it remained still within those walls. He had only desired leave to protest against the printing it; which, he thought, was in many respects not lawful for them to do, and might prove very pernicious to the public peace.

Suggestion by:  
Strode:

This was listened to with some impatience; and at its close the member for Beeralston, always impetuous and forward on such occasions, was for having the House to call upon Mr. Hyde to withdraw, since he confessed that he first proposed the protestation; but Mr. Strode's suggestion was disregarded, and not the least notice appears to have been taken of Mr. Hyde's own proposal to make a martyr of himself.

disre-  
garded.

Mr.  
Hotham  
speaks.

Mr. Hotham, the member for Scarborough, familiarly called Jack Hotham, the son of Sir John, and so soon to perish with him on a public scaffold for treason to the Parliament, rose now and said that the offence committed on Monday night which the House was called to visit with its severest censure, was committed by Mr. Geoffrey Palmer, the member for Stamford. A gentleman on that occasion had offered, with the leave of the House, to make a protestation, and another had seconded him; upon which the said Mr. Palmer had without leave cried out, *I do protest*, and, further encouraging men to cry out every man the same, had said that he protested "for himself and "the rest." Many voices here interrupted Hotham, shouting out that Palmer's words were "*all the rest.*" The speaker proceeded, and showed that such words in the mouth of

Attacks  
Palmer:

as leader

any member, tended to draw on a mutiny; and that if this were permitted in the House, any one might make himself the head of a faction therein, and there would soon then be an end of the liberty and privileges of Parliament, and they might shut up their doors. He therefore desired that Mr. Palmer, not being in the House, might be sent for.

of a mutiny.

Moves to have him sent for.

Several members of Hyde's party next rose, and objected to Palmer's being sent for; and some wished to know by what right Mr. Hotham had applied the word "faction" to any section of members in that House. But, adds D'Ewes, "whilst we were in debate about sending for him, Mr. Palmer came in; and then Mr. Hotham laid the same charge against him which he had done before, for the substance thereof." Hereon, he continues, some would have had Mr. Palmer to make his answer, and then to withdraw into the Committee Chamber, that so they might proceed to censure; but others said, that either he had committed no fault to which he was to answer, or, if he *had* spoken anything amiss, he was to have been questioned for it at the time when he spake it, and not at this time, which was two days since the pretended words were uttered. "And this was maintained," says D'Ewes, "with great vehemence by those who spake for Mr. Palmer."

Palmer enters.

Conflict of friends and foes.

Hyde and Culpeper were as usual the most vehement. Speaking to the orders of the House, Hyde said \* the charge against Palmer

\* Clarendon's own account of his speech is, that, upon Mr. Palmer being called upon to explain, "Mr. Hyde (who

Hyde supports Palmer.

Too late to require him to answer.

Culpeper on same side.

Members to be questioned only at speaking.

Hyde reported by himself: *Hist.* ii. 48.

was against the orders, being he was only charged with words, not with any ill carriage. This being so, and the words not having been excepted against at the time they were spoken, it was now no orderly charge. For, in that case, a man might be questioned for words spoken a month or a year ago, as well as for those spoken on Monday last. Words might be forged, too, and then how could a man answer for himself? It would take away the great privilege of freedom of speech. Culpeper went still further. Also speaking to the orders of the House, he took the objection, that the members assembled on that day, Wednesday the 24th, could not be competent judges of words spoken on Monday the 22nd, because divers were on this occasion present who on the former were absent; although he did not deny that the House was the same in respect of the power of it. And what could be more dangerous than for a man to be questioned for words spoken in the House after the time he should speak them; for might he not in such case be also questioned in another parliament after?

These confident opinions appear to have shaken some of the members present; the

“loved him much, and had rather have suffered himself, than that he should) spoke to the order of the House, and said that it was against the orders and practice of the House that any man should be called upon to explain, for anything he said in the House two days before; when it could not be presumed that his own memory could recollect all the words he had used; or, that anybody else could charge him with them; and appealed to the House whether there was any precedent of the like—and there is no doubt there never had been; and it was very irregular.” The account of the speech in the text, however, is manifestly more correct than this notice of it preserved by its author.

debate went on with increasing heat; and three hours had been so passed, when Denzil Hollis got up, and declared that he would charge Mr. Palmer with a new charge, in making a pernicious motion. But now, Sir Simonds D'Ewes, fortified with precedents, advanced to the rescue; undertaking to prove that the original proposition to make Palmer responsible for the words he had uttered, was strictly in accordance with the usage, and no violation of the orders, of the Commons.

Denzil Hollis makes new charge.

He began by saying he was sorry, with all his heart, that the House should already have lost so much time about this business, and the more because it concerned a gentleman whom he had long known, and knew to be learned in his profession. But he wondered to see any member of that House, and much more (alluding to Hyde) any of the long robe, affirm that they could not question words spoken therein any day after they were spoken, unless exception to the words were taken at the time of speaking. "I dare be bold to say," continued Sir Simonds, warming into confidence, as his well-beloved records and precedents came to him at need, "there are almost precedents in every Journal we have of the House of Commons. Some I can remember upon the sudden, as Mr. Copley, in the time of Queen Mary; Mr. Peter Wentworth, in 35th Elizabeth; \* and, in 43d and 44th of the same Queen, either

D'Ewes speaks.

Replies to Hyde.

Exhibits precedents.

\* "I was mistaken in the year," notes the particular D'Ewes in the margin of his Journal, "for it was in—" but alas! the correction is not legible to me.

Members not questionable elsewhere: “ one Hastings took exception at Mr. Francis  
 “ Bacon, or he to Hastings, for I dare not  
 “ trust an ill memory with the exact relation  
 “ of it upon the sudden. And all these were  
 “ questioned in this House after the day was  
 “ passed in which the words were spoken.  
 “ This, indeed, is the true, ancient, funda-  
 “ mental right of parliament, that we should  
 “ not be questioned anywhere else for things  
 “ spoken within these walls. But that we  
 “ should not have power here to question our  
 “ own members for words spoken within these  
 “ walls, either at the time when the said words  
 “ were spoken, or at any time after also, were  
 “ to destroy those very liberties and rights of  
 “ parliament.”

but by the House at any time.

Having laid down thus clearly and boldly the undoubted parliamentary rule, D'Ewes went on to apply it to Palmer's case. Premising that the words spoken, and matter of fact in issue, must be stated exactly, he shewed that to resist any proposal to question the same, whether at the moment of delivery, or at any time after, would be to decline the justice of the House; which for his part he should never do, but should always be ready to answer, at any present or future time, to anything he should there say. As for that which was objected, he continued, by the gentleman on the other side (and he pointed to Sir John Culpeper), that it were a dangerous thing for them to admit that a succeeding parliament might question what was done in a former, there was nothing more ordinary or more usual. There was no doubt whatever but that a succeeding

Judgment of House never avoidable.

Error in Culpeper's argument.

parliament might not only question any particular thing done by them, as, for example, what was in progress at that moment, but might also revoke and repeal all the acts and statutes which they had passed. And the reason thereof was evident and plain. For they sat not there in their own right, but were sent thither, and entrusted by the whole kingdom; the knights being chosen by the several counties, and the rest by the several cities and towns. And, for that which was objected by the same worthy gentleman opposite, that, there being divers others in the House who were not there when the words were spoken, therefore the House was not the same, he (Sir Simonds D'Ewes) said confidently that the House was the same to all intents and purposes, not only *quoad potestatem*, but *quoad notionem* also; for of course he assumed there must be a perfect agreement as to what the words were that were spoken, before they could proceed to a censure of them. Whereupon, as though remembering his own absence at the extraordinary scene, he thus proceeded :

Future parliament may question past.

House unchanged by absence of members.

“ And truly they may well be excused that  
 “ were absent out of this House at midnight,  
 “ for it was about that time on Monday night  
 “ last when these words were spoken; and I  
 “ do as much wonder that so many in this  
 “ House should object that the speaking of  
 “ words is not an action, when that old verse  
 “ assures us of the contrary—‘*Quatuor et*  
 “ ‘*dentes et duo labra simul, &c.*’ And more  
 “ strange it seems to me also, that when this  
 “ worthy gentleman himself (and I pointed to

D'Ewes's own absence at midnight of Monday.



Would  
have  
Palmer  
speak.

“ Mr. Palmer) hath so often stood up, him-  
“ self, to speak, so many should hinder him ;  
“ for if they will not let him speak by way of  
“ answering, yet let him speak by way of  
“ speaking.—Some laughed at this, thinking I  
“ had been mistaken ; but I proceeded and  
“ told them, that I should be sorry to speak  
“ anything in that House which I could not  
“ make good logic of ; and therefore I still  
“ pressed, that if we would not let him speak  
“ by way of answering, that is by coercion  
“ and as a delinquent, then let him speak by  
“ way of speaking, that is *sermoni libero et spon-*  
“ *taneo.* And who knows,” concluded the  
precise and learned orator, “ but that he may  
“ give much satisfaction to this House by his  
“ speaking ? And therefore, Sir, I desire that  
“ he may be heard.”

D'Ewes  
proud of  
his logic.

Palmer's  
friends  
prevent  
his rising.

The desire of the worthy Sir Simonds, how-  
ever, failed to convince Mr. Palmer's friends  
of the expediency of yielding thereto. In vain  
the Speaker renewed the proposition that the  
member for Stamford should be heard. In  
vain was it urged that no man was entitled to  
object because none knew what he would say.  
The objectors stood so firm, that it became

A division  
called for.

clear it would have to come to a division, and  
Hyde and Culpeper violently called out to  
divide. Palmer withdrew into the Committee  
Chamber, and the Speaker put the question—  
As many as are of opinion that Mr. Palmer  
shall be required to answer to the charge laid  
against him, let them say Aye. “ But then,”  
interposes D'Ewes, “ Mr. Palmer's friends  
“ would have had these words to have been

Hyde  
moves  
addition

“ added to the question, namely, ‘ for words <sup>to ques-</sup>  
 “ ‘ by him spoken on Monday night last ;’ <sup>tion.</sup>  
 “ but we that thought Mr. Palmer deserved  
 “ to be questioned, would not agree to that  
 “ addition. Whereupon it came to a division  
 “ upon the question.”

The tellers appointed on the one side were Hyde and Sir Frederick Cornwallis, and on the other Sir Thomas Barrington and Sir Martin Lumley, the member for Essex. The Ayes went out, and proved to be but 146 ; the Noes (of whom D'Ewes was one) sat still, and were 192. It being directed, upon this, that

Defeated  
by 192  
to 146.

Hyde's addition should not be made, Sir Robert Hatton, the member for Castle Rising, and a determined royalist, jumped up to speak against the other question ; but Mr. Speaker interrupted and told him he was out of order, for he could not now speak until the question had been put.

It was put accordingly, the same tellers being appointed on both sides ; and the Ayes (of whom D'Ewes was one) going out, were 190, whereas the Noes, sitting still, were but 142.

Original  
question  
carried by  
190 to  
142.

It was thereupon immediately ordered, that Mr. Palmer should be required to speak ; and being called down from the Committee Chamber, in which he had remained since before the first division, he was informed by the Speaker that the House required him to make answer to the charge laid against him.

Palmer  
required  
to speak.

He presently arose, and, professing his innocence as to the particular matter alleged, made relation of some foregoing passages. That when, upon the vote being determined that the Declaration should pass, a motion was

His de-  
fence.

made by Mr. Peard that it should be printed, divers protested against it; and that himself desired also to have his protestation entered, against the printing but not the passing; and that when, afterwards, it was moved that the names of such as had protested might be entered, he being unsatisfied, and desiring it might be debated first whether such a protestation might be made or not, wished a day to be appointed for that end, and thereupon desired that his own name, and the names of the rest who had protested, might be entered by the Clerk.

Hamp-  
den's  
question.

And that, Mr. Hampden thereupon asking him, how he knew other men's minds, he answered, because he had heard others desire their names to be entered, and heard them cry "All, all." But for the other words charged upon him, that he had protested "in the name of himself and "the rest," he declared he did not remember that he had spoken them. But he was very sensible of his own misfortune, and sorry for having given that occasion to the House to question him. And so, having ended, he withdrew again into the Committee Chamber.

Apology.

White-  
locke  
supports  
Palmer.

Bulstrode Whitelocke, member for Marlow, and a personal friend of Palmer's, though himself a supporter of the Remonstrance, rose immediately after to confirm generally, by his own recollection, the substance of the statement just made: but the hour was now late, it having long struck four, and it had grown so dark that the Speaker was no longer able to discern who stood up. Cries from both sides became loud for an adjournment, and order was accordingly made that the further consideration of

Mr.  
Speaker  
cannot see  
hon.  
members.

Mr. Palmer's offence should be resumed at ten o'clock the next morning. Dark as it was, however, the House was not allowed to rise until the indefatigable Mr. Pym had obtained direction for a committee, consisting of himself, Mr. Denzil Hollis, and others, to take examinations of divers Irishmen\* then in the ferjeant's custody, suspected of privity in the late horrible design; and his purpose in so demanding this immediate committee was, that those who on examination might be found not fairly obnoxious to suspicion might at once be dismissed. Through all the frequent conspiracies and dangers of this troubled time, the reins of authority seized by the House were held with a firm, yet wise and temperate, hand; and no strain upon the liberty of the subject that could be safely spared, was countenanced or permitted by its great leader.

Subject to be resumed tomorrow.

Adjournment at dark, 4:30.

§ XXI. PALMER'S PUNISHMENT AND SUBMISSION.

ON Thursday, the 25th of November, the Speaker took the chair at ten o'clock; but Mr. Solicitor St. John interposed before the resumption of Palmer's business, to obtain leave to bring in a short bill for the levy of tonnage and poundage, and after him Denzil Hollis rose to remind the House of that suggestion of the worthy member sitting below him by the

Tenth debate: Thursday, 25th Nov.

Petition to accompany

\* "He hoped also," the liberal leader told the House on this occasion, "that they had the woman in hold who had conveyed letters into Ireland."

Remonstrance.

bar (designating Pym) which had found favour on Monday night, to accompany the Remonstrance by a Petition to his Majesty; as to which he moved accordingly that some might be appointed to draw this Petition, in such manner as to show what had necessitated them to make their Declaration. Some little debate ensued hereon, and ended in the adoption of Hollis's motion that the Petition should be prepared and presented by the same committee that had drawn the Declaration; to which was added an order, on the motion of Sir Gilbert Gerrard, member for Middlesex, that they should include in the said Petition a form of congratulation for his Majesty's safe return from Scotland, which should also be presented to him in the name of the House.

Referred to Committee.

Tonnage and Poundage bill.

Palmer's debate called for.

D'Ewes had left his place while Hollis was speaking, and when he returned to it, between eleven and twelve o'clock, he found the Solicitor-General pressing his bill of tonnage through the necessary stages to obtain its enactment before the existing bill should expire. After this, some other business of moment presented itself, but members grew impatient for the conclusion of the debate respecting Palmer; and on the motion of Sir Robert Cook, who sat for Tewkesbury, and who urged with some vehemence the propriety of not delaying censure in a matter affecting the high privileges of the House, that subject was resumed. "We then," says D'Ewes, "proceeded before twelve of the clock with the debate and consideration touching Mr. Palmer's offence. That held till about three of the clock in

“ the afternoon, before we proceeded to debate  
 “ of his punishment.”

The substance of the speeches on either side will sufficiently indicate the character of the early part of the debate. In aggravation it was insisted on, that as to the particular matter, Palmer's great ability in his profession, his very temperateness of nature in the general, and the fact of his being a gowmsman, much increased his offence. “ That after the first

Speeches  
on either  
side.

“ distemper of the House was well pacified  
 “ which arose about the protestation-making,  
 “ he, by his new motion to have a protesta-  
 “ tion entered in his own name and the name  
 “ of all the rest, did again raise the flame to  
 “ such an heighth, as, if God had not pre-  
 “ vented it, murder and calamity might have

In aggra-  
vation of  
offence.

“ followed thereupon, and this parliament  
 “ with our posterity and the kingdom itself  
 “ might have been destroyed. For, upon  
 “ Mr. Palmer's said motion, some waved their  
 “ hats, and others took their swords with the  
 “ scabbards out of their belts and held them  
 “ in their hands.” On the other side, in

Scene it  
had occa-  
sioned.

extenuation, it was urged, that Palmer had in no respect forfeited his reputation as a sober, learned, and moderate man. That his only intent in the motion he made was to put an end to the particular night's debate, it being so far spent; and to put off to a further day the dispute of the question whether the members of that House might protest or not. There had been an earnest offer to protest on the part of Mr. Hyde, then a motion to take names by others, and then Palmer moved in

In ex-  
tenuation  
of offence.

Inter-  
ference of  
Hampden.

Palmer's  
previous  
service.

the name of himself and all others of his mind ; but whether this was to protest, or to take names, was yet a question. Afterwards, indeed, Palmer was questioned by Mr. Hampden, and he stood up, and the House cried, "All, "all." But there was no proof that he had an intention to raise any heat or combustion. He had done very good service in the House, and particularly in the enquiries into forest abuses, where he occupied the chair ; and he was entitled to have that remembered now. Some, however, went still further in extenuation, and others even justified what he had done to be no offence at all.

Delays  
resorted  
to.

The afternoon wore away in such debate, but it was in vain that Palmer's friends exhausted every resource to avert what they too plainly felt must inevitably come. The popular leaders were not to be turned from their purpose. The offence committed, and the person committing it, were of no ordinary kind. The offence struck at the very source and foundation of the power of the House, breaking down all the barriers which old usage and custom had thrown up, to keep before the people sole and intact, no matter what their internal divisions might be, the authority and influence of the Commons. The offender in himself represented a new and powerful party, bred within the House itself, who would have entered through the breach so made, and turned that very influence and authority to the secret service of the King. Palmer's success would have divided the House against itself ; into a Minority claiming to be free from undue strain

Resolu-  
tion of  
majority  
to punish.

Gravity  
of the  
act at-  
tempted ;

and pressure upon their consciences, opposed to a Majority claiming predominance incompatible with the exercise of individual rights, and coercing free deliberation. Once admit such division, all the votes of the past year would lose their claim to continued respect,\* and the Sovereign would again be uncontrolled. No jot would Pym and Hampden consent to abate, therefore, from what was strictly necessary to single out and set aside what Palmer had done, as matter of high and weighty censure. But they did not go beyond it. They demanded his committal to the Tower until due submission and retractation were made.

to place  
minority  
above ma-  
jority.

Punish-  
ment de-  
manded.

Some indeed were eager to have gone farther, demanding his expulsion; but none of the great names on the liberal side appear among these, who were in truth led by the very man, Sir John Hotham, whom Clarendon represents as most opposed to what the leading men desired as to himself. Sir Robert Cook, the member for Tewkesbury, would

Hotham  
and others  
for ex-  
pulsion.

\* Clarendon occasionally, to use an expression of his own, Clarendon "lets himself loose" (*Hist.* i. 7: as if, to quote Warburton's "letting shrewd comment on the phrase, he were speaking against his himself duty when he censures the Crown); and there is a remarkable loose." *Hist.* ii. 252, in which he distinctly admits that it was the King's habit to consent to particular measures (in this case he is speaking of the bill for taking away the legislative power of the bishops) from an opinion that what he held to be the violence and force used in procuring them, rendered them absolutely invalid and void, and "made the confirmation of them less considered, as not "being of strength to make that act good, which was in "itself null. And I doubt," he adds, "this logic had an "influence upon other acts of no less moment than these." Those are surely very significant and pregnant words. See *ante*, p. 155.



Speeches  
by friends  
of Palmer.

have had the offender not only sentenced to the Tower, but turned out of the House as well: whereupon Sir John Strangways got up and reminded that worthy member, that as he had been sworn since the last Lord Steward surrendered his staff, some doubts existed how far there was any legal commission to swear him,\* and perhaps he might himself, by the statute 21st of James, be turned out of the House before Mr. Palmer. The member for Southwark, Mr. Bagshaw, rose next, and, as a brother barrister of Palmer's, took the liberty to doubt whether, having denied the fact charged, he was fit to be sentenced; seeing that the charge had really not yet been proved by any one man, and all judges should go *secundum allegata et probata*. But Palmer found a more effective advocate in Mr. John Crew, the member for Brackley.

Strang-  
ways and  
Bagshaw.

Crew  
comes to  
rescue.

Crew, a man of great fortune, and of principle as firm and unassailable as he was generally moderate in speech (it was by his help chiefly that Vane and Cromwell were able subsequently to pass the Self-Denying Ordinance), had voted uniformly with Pym and Hampden throughout the debates on the Remonstrance,† and he now thought that the

Pembroke  
Lord  
Steward.

\* Three days subsequent to this, an order was made to move the Lords to join with the Commons in moving his Majesty "to appoint the Earl of Pembroke Lord Steward of his Majesty's household: for that this House is deprived of certain members, by reason there is no Lord Steward, to give or authorise the giving of the oaths of allegiance and supremacy."

Crew at  
Uxbridge.

† It is worth mention, perhaps, that in the famous treaty of Uxbridge, nearly four years after this date, Crew was one of the commissioners on the side of the Parliament, with

justice of the case, which he considered to have been fully admitted, would be satisfied sufficiently by such admonishment as the Speaker standing in his place might then and there administer. For himself, he would interpret things doubtful ever in the best sense; and he could not forget such service as Mr. Palmer had heretofore rendered to the cause which in this late matter had received some offence from him. "Sir," continued this discreet and temperate advocate, "though none can plead his merits to excuse a fault, yet if I have received many favours from a man that now doth me injury, I shall not forget those benefits, but be the willing to forget the injury, and the rather in this place, because we have power to punish our own members when they offend, but not to reward them when they do well." It was impossible that such an appeal as this should fail of effect; but the effect was in a great degree removed by a speech in which Waller meant to have followed up the advantage, but, in his lively audacious way, seeking to please both sides, satisfied neither, and almost wholly lost what Crew had gained. He desired the House not to permit a man's success to be the proof of his delinquency. All their punishments were but the Tower and the Bar, and those were great punishments, when they were inflicted for great offences. But the custom had arisen, both within and without those

Suggests  
reprimand  
by Mr.  
Speaker.

Reminds  
House of  
Palmer's  
services.

Waller  
on same  
side;

less dis-  
creet.

Geoffrey Palmer opposed to him on the King's side. See Clarendon, *Hist.* iii. 37, 76, and 90.

Too many penalties for small offences.

Do not punish temperance.

Anger of Hotham.

Suggestion by Sir Ralph Hopton.

walls, of punishments disproportioned to the offence. In former days, while Queen Elizabeth reigned, a check from the Council Table, or a sentence in the Star Chamber, was of such repute that none esteemed men who were so checked or sentenced: but what was it their Remonstrance had justly taken exception to? Of late these punishments had been inflicted for such small offences, that all men did rather value and esteem those as martyrs who suffered in that way, than disesteem them for it. He adjured them, therefore, to let no man be punished for temperance, lest they should seem to punish virtue.—The result of which homily, by one whose great wit and parts had brought himself such small esteem, may perhaps be measured by what followed immediately after. Sir John Hotham declared that if by the rules of the House any greater censure than expulsion and the Tower could be laid upon the offender, he would gladly go higher than even those. Happily the majority were not of that opinion.

“This last debate,” says D’Ewes, “held till past four, at which time I withdrew out of the House. When I returned again, the debate was, which of the two questions should be put first: whether for his sending to the Tower, or for his being expelled out of the House.” Upon this, Sir Ralph Hopton, member for Wells, afterwards so conspicuous on the King’s side in the war as “Hopton of the West,” appears to have taken the lead. He moved that the question of sending to the Tower should be first put;

because, he argued, if that for expulsion were put first, being the greater, the judgment of the House would be passed by it, and then the lesser question could not be put. Such a point mooted as this rarely failed to call up D'Ewes. He rose accordingly, and craved leave rather to speak to the orders of the House than to the order of putting the questions. In respect of the remarks which had been last made, he wondered to hear such from an ancient parliament man; for it was not the putting and voting of one, two, three, or four questions there, that made the judgment of the House. "That, Sir," continued the precise Sir Simonds, "is to be pronounced by yourself, our Speaker, to whom we direct our speeches; and then, and not till then, is the judgment of this House past." He added that, if they could not agree which of the two questions should be passed first, for his part he should be content to have them passed together.

Replied  
to by  
D'Ewes.

Usages of  
the House.

The result is thus succinctly recorded by the same veracious and conscientious witness.

"Others spake after me, and the contention which question should be first put was again set on foot: till at last it was resolved, by question, that the matter touching Mr. Palmer's going to the Tower should be first determined; and thereupon the Speaker did first put this question—As many as are of opinion that Mr. Palmer should be sent to the Tower, there to remain during the pleasure of the House, let them say Aye. Upon which followed a great affirmative; and the question being put negatively, there

Questions  
put:

Shall  
Palmer be  
sent to  
Tower?

Yes: by  
169 to  
128.

Shall he  
be ex-  
pelled?

No: by  
163 to  
131.

House  
adjourns.

Friday,  
26th Nov.  
Palmer  
appears at  
Bar.

“ were many Noes : whereupon there followed  
 “ a division of the House, and the Speaker  
 “ appointed Sir Thomas Barrington and Sir  
 “ John Clotworthy tellers for the Ayes, of  
 “ which I was one, and we went out and were  
 “ in number 169 ; the tellers appointed for  
 “ the Noes, who stayed in the House, being  
 “ the Lord Falkland and Mr. Strangways”  
 (the member for Bridport), “ and the number  
 “ of them was 128. Then the Speaker put  
 “ the second question, namely—As many as  
 “ are of opinion that Mr. Palmer shall be  
 “ expelled from being a member of this House  
 “ during this parliament, let them say Aye.  
 “ Upon which followed a lesser affirmative  
 “ than formerly ; and upon the negative, a  
 “ greater number of Noes. The House was  
 “ again divided, and the same tellers appointed  
 “ both for the Ayes and Noes as before. I  
 “ was an Aye, and the Ayes went out again,  
 “ and were in number 131. The Noes that  
 “ continued in the House were 163. And so  
 “ Mr. Palmer escaped expulsion out of the  
 “ House, which his offence had deserved in a  
 “ high measure. We appointed to meet to-  
 “ morrow morning by ten of the clock, and  
 “ so the House rose between six and seven of  
 “ the clock at night.”

On the next day, Friday the 26th of No-  
 vember, Palmer, “ in his barrister’s gown,”  
 appeared at the Bar to receive sentence ; and,  
 kneeling there, was informed by Mr. Speaker  
 that the judgment awarded to his offence was  
 committal to the Tower during the pleasure  
 of the House. To the Tower he was com-

mitted accordingly, and there remained until Wednesday the 8th of December; on the morning of which day "the humble petition of Geoffrey Palmer was read, wherein he did acknowledge his offence and the justice of the House, and his sorrow that he had fallen into its displeasure;" upon which an order passed for the discharge of Mr. Palmer from his imprisonment in the Tower.

Is committed.

8th Dec. Sends in petition and is released.

As to this submission of his friend, Clarendon is wholly silent; and, in so far as the sin of suppression may be less than that of deliberate falsification, the circumstance should perhaps be mentioned to his praise. He also unconsciously renders tribute to the sagacity and steadiness of purpose with which the leaders had pursued and obtained their object in these long and passionate debates, when he says, that, having compassed their main end, they found the sense of the House more at their devotion from that time, and admits that the minority grew so cast down and dejected, that the leading men ever after met no equal opposition within its walls. But in every other point of these later, as of the earlier proceedings, every single sentence he utters is a misstatement.

Results of Palmer's punishment.

Clarendon's *Hist.* ii. 61-62.

He says there was not the least doubt that there never had been any precedent for calling a member to account for words spoken except at the moment of their utterance: Whereas D'Ewes's precedents have been seen. He says that, after two hours' debate, additional delays and bitterness were only spared by Palmer's own voluntary offer that to save the House farther trouble he might answer and withdraw:

Series of misstatements.

▲ ▲

Alleged  
ground of  
hostility to  
Palmer.

No truth  
therein.

False  
averment

Whereas the answer was only given upon compulsion, after a formal division had left no alternative. He says that the real secret of the hostility displayed to Palmer, and the reason why the angry men pressed with all their power that he might be expelled the House, was that they had borne him a long grudge for the civility he showed as one of the managers in the prosecution of the Earl of Strafford, in that he had not used the same reproachful language which the others had done: Whereas the men most eager to protect Palmer were notoriously those who, like Culpeper, Falkland, and even Hyde himself, had shown least mercy or forbearance to Strafford. Finally he says,\* that in the close of the day, when the division was taken against Palmer, and on the rising of the House, an order was obtained, without much opposition, for the printing of the Remonstrance: Whereas two days were occupied by the Palmer debate, and not even an attempt was

\* I give the entire passage, taking it up from where the passage previously quoted (*ante*, p. 336) ends. As he there mentions, he had appealed to the House whether there was any precedent of the like: "and there is no doubt," he continues, "there never had been; and it was very irregular. "But they were too positively resolved to be diverted; and, after two hours debate, he himself desired, 'that to save the House farther trouble, he might answer and withdraw'— which he did. When it drew towards night, after many hours debate, it was ordered that he should be committed to the Tower; the angry men pressing with all their power, that he might be expelled the House: having borne him a long grudge, for the civility he showed in the prosecution of the Earl of Strafford; that is, that he had not used the same reproachful language which the others had done . . . And in the close of that day, and the rising of the House, without much opposition, they obtained an order for the printing their Remonstrance."

Clarendon  
*Hist.* ii.  
48-9.

made during either to smuggle in any order for the printing. When it was done, it was done openly, but the time for it was even yet not come.

Such are the deliberate averments of Clarendon; and such in each case the complete disproof which a simple statement of the fact enables me to give.

§ XXII. PETITION TO ACCOMPANY REMONSTRANCE.

SATURDAY, the 27th of November, was the day named for reception of the report of the Committee appointed to draw the Petition to the King; designed, in accordance with Pym's suggestion, to accompany the Remonstrance. It was ushered in by threatening omens. Charles was now arrived from Scotland, and had been received with magnificent entertainment in the City, on the previous Thursday. He had returned afterwards to Whitehall in such elation and excitement as rarely was witnessed in him; between that evening and the following day, when he proceeded to Hampton Court, had given Nicholas the seals which were held by Windebank; had deprived old Vane (whose Treasurer's staff had been taken from him at York) of his Secretaryship; had seen privately Culpeper, Falkland, and "Ned Hyde;" had directed a proclamation to be issued for more implicit obedience to the laws established for the exercise of religion; and had given order for the immediate dismissal of those Trained Bands employed upon guard at the two Houses, which, as we have seen, upon the receipt of

to printing.

Eleventh Debate: 27th Nov.

King's arrival.

Impolitic acts.

Order as to Religion.



Guard to  
parlia-  
ment  
dismissed.

Hampden's dispatch out of Scotland announcing the plots against the leaders of the Covenant, had been ordered up for their protection, and since had guarded them by night and day.\* He had also taken the resolution, though the act was deferred for yet a few days, to remove Col. Balfour from the command of the Tower, and to appoint Col. Lunsford in his place. The temper of the House at such report as had reached them of these incidents was not slow in revealing itself.

Excite-  
ment in  
House.

Hampden  
speaking.

Prayers had just been said when Hampden rose in his place; made a statement as to a Buckinghamshire papist, one Adam Courtney, suspected of connivance in the plot now proved against the King's officers to bring up the Army to overawe the Parliament; and, producing the minute pieces and fragments of certain letters which Courtney had torn up on his arrest, desired that they should be deciphered by the army committee then sitting, by whom also the delinquent could be

Question  
as to  
Guard.

\* The order had been given by the King on the evening of his arrival, Thursday, the 25th. Early on Friday morning Pym reported to the House that, whereas, heretofore, a Guard had been set, at the desire of the Commons, in respect of the multitude of soldiers, and other loose persons, infesting the precincts of Westminster, and was afterwards continued by both Houses, and the Lord Chamberlain [Essex], who had a commission to be Lord General on this side Trent, took a care concerning the same; but now, upon His Majesty's return, he hath surrendered his commission, and the Lords have received a message from his Majesty, to be communicated to both Houses, "that the Guard, that had been set in his absence, perhaps was done upon good grounds, but now his presence is a sufficient guard to his people; and therefore it is his pleasure they should be discharged; and, if need be to have a Guard hereafter, his Majesty will be as glad to have a Guard as any other."

King's  
message.

brought up from Aylesbury gaol and examined. After him rose Mr. Oliver Cromwell, to call attention to a gross slander against the House of which he held the proofs in his hand, and by which it seemed that "one" whom he named not left he should with-  
 "draw himself" had given out that the principal members had been alarmed on seeing the intended City entertainment to his Majesty announced, and had sent privately to the said City to induce them not to entertain him. After Cromwell, Mr. Strode presented himself, to move that some course might be taken for putting the kingdom in a posture of defence, in which he was seconded by Sir Thomas Barrington and Sir Walter Earle; and, upon the suggestion of the same active member, a committee of seven was named to draw up the whole proof of the first design to bring up the Army to overawe the House, and to prepare for introduction at the next fitting a bill for the "future commanding of" the Arms and the Trained Bands of the "kingdom." The member for Beeralston also moved that reasons should at once be presented to his Majesty for the continuance of the Guard over both Houses,\* and that these

Oliver Cromwell.

Suggestion for defence of kingdom.

Referred to Committee.

\* This was on Saturday; and on the morning of the following Tuesday, the 30th of November, Pym presented those reasons in a remarkable report which shows how thoroughly existing dangers were appreciated, and how much was thus early suspected of the King's most cherished design. Already, in a second reply to a further petition on the subject of the continuance of the Guard, his Majesty had all but confessed his purpose of gathering an armed force around his person. So tender was he of the Parliament's safety, he protested, "that to secure them, not only from real, but even imaginary dangers,

Tuesday, 30th Nov.

King's design as to Guard.

should be drawn by the same committee to whom it had been referred to prepare the Petition to accompany the Remonstrance.

Personal reasons.

Pym's counter reasons.

Plots in progress.

Attack on Parliament expected.

Unsafe without

“ he had commanded the Earl of Dorset to appoint some of the Trained Bands to wait upon the Parliament for a few days; in which time, if he should be satisfied that there is just reason, he would continue them, and likewise take such a course *for the safety of his own person* as should be fit.” Quietly disregarding this intimation, Pym's report was an elaborate exposition of reasons for continuing the existing Guard, under their own officers. It adverted to the great number of disorderly, suspicious, and desperate persons, especially of the Irish nation, lurking in obscure alleys and victualling houses in the suburbs and other places near London and Westminster. It described the jealousy conceived upon discovery of the design in Scotland, for the surprising of the persons of divers of the nobility, members of the parliament there, which had been spoken of here, some few days before it broke out, not without some whispering intimation *that the like was intended against divers persons of both Houses*: which had found the more credit, by reason of the former attempt of bringing up the army, to disturb and enforce this parliament. It enlarged upon the conspiracy in Ireland, and indicated the alarming evidence existing that *something of the like was designed in England and Scotland*. It hinted at divers advertisements coming at the same time from beyond sea, “ that there should be a great alteration of religion in England “ in a few days, and that the necks of both the parliaments “ should be broken.” It instanced the recent divers examinations and dangerous speeches of the popish and discontented party; and the secret meetings and consultations of the papists in several shires and districts. And its authors concluded that for these considerations a Guard was necessary; for they did conceive there was just cause to apprehend that *there was some wicked and mischievous practice still in hand to interrupt the peaceable proceedings of the parliament*. Nor less necessary did they consider it that the Earl of Essex should be continued in the command. “ For preventing whereof it “ is fit the Guard should be continued under the same command, or such other as they should choose; but to have it “ under the command of any other, not chosen by themselves, “ they can by no means consent to; and will rather run any “ hazard, than admit of a precedent so dangerous both to this “ and future parliaments. And they humbly leave it to his “ Majesty to consider whether it will not be fit to suffer his “ High Court of parliament to enjoy that privilege of providing “ for their own safety, which was never denied other inferior

After this the House went into committee on the Tonnage and Poundage bill, with Mr. Lisle, the member for Winchester (he who afterwards sat on the King's trial), in the Clerk's chair ; and on the Speaker's resumption of his seat, between one and two o'clock mid-day, Pym entered with the Petition just named in his hand. He craved permission at once to be permitted to read it ; and having done this, it was handed over to the Clerk, who "loudly and deliberately" read it over again.

Remonstrance  
petition  
brought  
in.

It was to the effect that his Majesty's faithful Commons did with much thankfulness and joy acknowledge the great mercy and favour of God, in giving his Majesty a safe and peaceable return out of Scotland into his kingdom of England, where the pressing dangers and distempers of the State had caused them, with much earnestness, to desire the comfort of his gracious presence, to help the endeavours of his Parliament for the averting of that ruin and disaster with which his kingdoms at this time were threatened. For having convinced themselves of the existence of a malignant party who had access to his person and councils, and whose unceasing endeavours were to discredit his Parliament and to create a faction among his people, they had, for the prevention thereof, and the better

Abstract  
of its  
contents.

Why  
King's  
presence  
desired.

Zeal of  
evil coun-  
fellors.

" Courts : and that he will be pleased graciously to believe, their own  
" that they cannot think themselves safe under any Guard, of Guard.  
" which they shall not be assured that it will be as faithful in  
" defending his Majesty's safety as their own ; whereof they  
" shall always be more careful than of their own."

Declara-  
tion pre-  
pared :

to point  
out dan-  
gers to  
State and  
King.

Why such  
warnings  
necessary.

Three  
closing  
requests :

information in sundry important particulars of his Majesty, the Peers, and all other his subjects, been necessitated to make a Declaration of the state of the kingdom as well before as after the meeting of the parliament now assembled. Before submitting which, they desired frankly to point out with what danger to the country, and grievous affliction to all loyal dwellers therein, the practice was attended of placing in employments of trust and nearness about his Majesty, the Prince, and the rest of his Royal children, active members of the malignant party before mentioned, favourers in all respects of popery, and mere engineers or factors for Rome; since it was by such, to the sore discontent of his loyal subjects, that divers of his bishops, and others in prime places of the Church, had been corrupted. They justified their right to give this warning, by the distractions and sufferings so caused; by the continual tamperings with the army in England; by the miserable incidents and jealousies in Scotland; by the papist insurrection, and most bloody massacre, in Ireland; and by the great necessities which had in consequence arisen for the King's service, imposing upon themselves the task of burdening the subject for contributions to the extent of a million and a half sterling. Not distantly pointing at the Queen, they then urgently entreat his Majesty not to suffer any solicitation to the contrary "how powerful and near soever," to turn aside the three requests with which they concluded.—(1.) That for the preserving the kingdom's peace

and safety from the designs of the popish party, his Majesty will, in regard to the bishops,\* concur with and second his people's humble desires in a parliamentary way † to abridge their immoderate power usurped over the clergy; to deprive them of their temporal jurisdiction in parliament; to take away such oppressions ‡ in religion, church government, and discipline, as had been brought in and fomented by them; and to abate their pressure upon weak consciences by removing those oppressions and unnecessary ceremonies.

(2). That the malignant and ill-affected be removed from their places of influence, and that in future his Majesty vouchsafe to employ near him, and in great public offices, only such persons as his parliament had cause to confide in. (3). That such lands in Ireland as may be forfeit to the Crown in consequence of the Rebellion, be not alienated from it, but applied to the public necessities. —Which humble desires being fulfilled, the authors of the Remonstrance undertook, by the blessing and favour of God,§ most cheerfully to undergo the hazard and expenses of the war against the Irish rebels, and to apply themselves to such other courses and counsels

i.  
To abridge bishops' power.

ii.  
To remove ill counsellors.

iii.  
To apply Irish forfeitures to public needs.

\* A great attempt was made, as stated in the text, but unsuccessfully, to limit the expression here to "divers of the bishops," as in a previous passage.

† These words, "in a parliamentary way," were moved to be added after the Petition was brought in.

‡ The word "oppressions" had originally stood "corruptions," and seems to have been changed on Mr. Coventry's suggestion. Changes proposed in Petition.

§ "By the blessing and favour of God" were words added, upon special motion, during the debate.

as might, with honour and plenty at home, with power and reputation abroad, support the Royal estate, and, by their loyal affections, obedience, and service, lay a sure and lasting foundation for the greatness of the King, and the happiness of his posterity in future times.

Pym  
answers  
objections.

A point  
of order.

Hampden  
restores  
quiet.

D'Ewes  
explains  
usage of  
House.

After the Clerk had finished his reading, several members of Hyde's party stated objections; "to whom," says D'Ewes, "Mr. Pym answered. Then Sir John Culpeper answered much of that Mr. Pym had said, and made some new objections. Mr. Pym stood up again." But he was not permitted to speak. Mr. Strangways rose to order, many others rose to order, and the interruption was long and vehement. Hampden's authority at length again restored some quiet, upon his suggesting that it would probably be found within the rules of the House that Mr. Pym, being the reporter from the committee which prepared the Petition, might speak more than once, and might answer all objections. Here was opportunity made for D'Ewes; and that great master of precedents, and voucher of records, was not slow to take advantage of it. He got up and said that it was very true that the worthy gentleman at the Bar (indicating Mr. Pym), being the reporter, might speak as often as occasion should serve; and yet it was as true, also, that he might speak out of order. For, though he was at liberty to answer new objections that were made, yet, if those answers of his were replied upon, he was not at liberty to speak

again to those particular points to which he had spoken before, by way of mere answer to him that did reply upon him. There was, however, no question but that the gentleman on the other side who first interrupted him, did himself break the orders of the House in doing so; because it did not then appear whether the gentleman at the Bar would have answered any new objection, or would simply have spoken again to any of those particulars whereto he had formerly spoken.

“The distinction I gave,” continues D’Ewes, “Well moved.”  
 “being well approved by the House, and some  
 “few having spoken after me, the Speaker  
 “directed Mr. Pym to speak again to any  
 “new objection, but not to touch upon any  
 “thing to which he had formerly spoken.  
 “And so he spake again, and answered those  
 “new objections Sir John Culpeper had made.  
 “Others spake also, after him, to the said  
 “Petition in general. Then others moved  
 “that it might be read over again, that so  
 “every particular might be debated; which  
 “was at length agreed unto. So the Clerk  
 “read it again, and staid at every clause  
 “awhile; and so some clauses were spoken  
 “against, and others were agreed unto without  
 “any opposition. In one part of it, we  
 “alleged that the popish and malignant party  
 “had corrupted divers of the bishops with  
 “popery. In another part, that all the bishops  
 “had exercised usurped authority. Where-  
 “upon it was moved, by one or two, that we  
 “would not make the crimination general  
 “here, but that we would put in the word

Culpeper  
in fault,  
not Pym.

Pym  
answers  
Culpeper.

Petition  
read  
again:

and de-  
bated in  
detail.



D'Ewes  
attacks  
bishops.

“ ‘ divers ’ as we had done in the former place.  
 “ To which I stood up and answered, that  
 “ though some of the bishops were of them-  
 “ selves so corrupt and bad as they could not  
 “ well be made worse, yet the word ‘ divers ’  
 “ was necessarily added in that clause, because  
 “ they were not all so : this being but a per-  
 “ sonal crimination. But in the other clause,  
 “ the complaint having reference to their pre-  
 “ latical jurisdiction, which was equally exer-  
 “ cised by them all and defended and main-  
 “ tained by them all, we should as much err  
 “ on the other hand to add the word ‘ divers ’  
 “ in this place, as we should have done to  
 “ omit it in the former place.”

House  
adopt his  
views.

Further  
objections  
by Hyde :

and Mr.  
Coventry.

This lucid argument of the correct and learned baronet was doubtless very favourably received, for the word so much desired by Hyde and his friends was not allowed to limit the force of the sentence. But a further stand was attempted to be made against the use of the words “ corruptions ” and “ unnecessary ceremonies,” in speaking of the necessity of abating the immoderate power of the bishops ; Hyde urging strongly that such words laid a scandal upon the law itself, in so characterizing a church discipline it had established. His friend Mr. Coventry also put another objection, whether, seeing the intention was to have those particulars in the discipline of the church altered by law, it was not quite out of rule to “ preoccupate ” his Majesty with it beforehand. Surely, when the new church-regulation acts should have once passed both Houses, then it would be seasonable, and not before, to move

his Majesty about it. This, however, again called up D'Ewes. He could not admit the force of the objection taken. It was an old, and he thought a wise usage, when the means offered, to move the sovereign beforehand as to particulars proposed to be passed by act of parliament. For, if the gentleman on the other side who last pressed it ("and then I looked towards Mr. Coventry"), had but had time to peruse the Parliament Roll de an<sup>o</sup>. 2<sup>do</sup>. H. IV. no. 23, he would have found that the same course was then advised upon: to the end that so, by knowing the King's inclination beforehand, they might save much time in avoiding to treat of particulars which there was no hope of obtaining his assent unto. And, holding that if it were ever needful to take that course to gain time, it was so at this moment, he thought the word "corruption" might very well stand. On the whole, however, Pym seems to have thought differently; whether or not from some feeling of distaste to the logic employed, or to the sentiments expressed, by Sir Simonds: and "corruption"\*

Replied  
to by  
D'Ewes.

Urges  
study of  
Rolls.

Pym's  
moderation.

\* Nevertheless, and notwithstanding the change of this word, it is remarkable that in the answer which the King sent to the Petition (in which he stigmatizes the Remonstrance as "unparliamentary," and intimates his surprise that "our express intimation by our Comptroller to that purpose," should not have restrained them from the publishing of it till such time as they should have received his answer), he quotes, not from the Petition as amended, but from some copy of it which he had received in its original form. "Unto that clause," he says, "which concerneth Corruptions (as you style them), in Religion, in Church Government, and in Discipline, and the removing of such unnecessary ceremonies, &c." Again he says, "We are very sorry to hear in such general terms, Corruption in religion objected, &c."

Unaltered  
Petition  
sent to  
Court.

having been withdrawn, and "oppression" substituted, the Petition passed.

§ XXIII. THE KING RECEIVES REMONSTRANCE AND PETITION.

Tuesday,  
30th Nov.  
Petition  
engrossed.

Com-  
mittee  
named to  
wait on  
King.

IT now remained to present the Petition, and with it the Remonstrance it was designed to accompany, to the King; and with this view it was ordered to be engrossed: direction being given that the Clerk should also cause two copies of the Remonstrance itself to be fair written, one for his Majesty to be presented with the Petition, the other for the Lords; and that the Committee for presenting it should be named at the next sitting but one. On Tuesday, the 30th, it was accordingly moved that this committee should consist of twelve members; and the twelve selected were, Sir Simonds D'Ewes; Sir Arthur Ingram, member for Kellington; Sir James Thinne, who

Secret  
commu-  
nication  
with the  
King.

Now, in the Petition as published by the House, it will be found that the clause stands expressly as concerning "Oppressions in Religion, Church Government and Discipline," and again as referring to "some Oppressions and unnecessary ceremonies;" bearing out and confirming exactly the narrative given in my text. This clearly exhibits that secret communication between the King and his friends in the House which is the subject of frequent allusion by D'Ewes. So, in a subsequent debate in reference to the King's complaint of certain expressions in one of Pym's published speeches (on Thursday 24th March, 1641-2), Sir Edward Bainton, member for Chippenham, who had been one of a deputation to the sovereign to present a message from the House, "stated that he had gathered from some expressions of his Majesty that he had seen the said message before they gave it him." For further proofs on this point see *Arrest of the Five Members*, § xxii. The member of the House to whom such unauthorised communications with the Court were brought most directly home, was undoubtedly Mr. Edward Hyde.

fat for Wiltshire; Mr. Henry Bellasis, and Lord Fairfax (Ferdinando), who both sat for Yorkshire; Lord Grey of Groby, member for Leicester, Earl Stamford's second son, and hereafter to sit among the regicides; Sir Christopher Wray, who represented Great Grimsby, father-in-law of the younger Vane; Sir John Corbet, member for Shropshire; Sir Richard Wynne, member for Liverpool, who held an office in the King's house; and Sir Ralph Hopton, Sir Edward Dering, and Sir Arthur Haselrig. There was here a liberal apportionment of those who, being known to have opposed the Declaration, were less likely to be unwelcome to the King; and that the same tenderness on this point determined Pym to withdraw his own name, which appeared among those first selected,\* hardly admits of a doubt. The same deference to the feelings of the Sovereign seems also to have suggested a resolution moved the next morning (when the Committee were in waiting in the House to receive the Petition and Remonstrance, and repair therewith to Hampton Court) to the effect "that Sir Edward Dering should present and read the Petition unto his Majesty." The Petition only was to be read, after which the Remonstrance was to be placed in his hands. Sir Edward Dering, however, probably suspecting that into much consideration for the King in this matter had entered not a little want of consideration for himself, quietly withdrew from the House while the resolution

Its members.

Several King's friends.

Pym withdraws his name.

Dering to read petition to King.

\* See *Rushworth*, vol. i. part iii. 486.

Declines,  
and  
Hopton  
chosen.

was in hand; and upon discovery of his absence another order had to be substituted, "that Sir Ralph Hopton, in the absence of Sir Edward Dering, shall read the Petition and present that and the Declaration unto his Majesty."

And so, the Speaker calling to Sir Simonds D'Ewes to receive Petition and Remonstrance, to which Sir Simonds responds by advancing from the lower end to the table, making three congees as he moves along, the Committee get possession of their important charge, and betake themselves to Hampton Court.

Thursday,  
2nd Dec.  
Hopton's  
report.

The next day, Thursday the 2nd, Sir Ralph Hopton reported to the House what had passed at the interview. With the exception of Sir Edward Dering, all the deputation assembled;\* and on arrival at the palace, the member for Liverpool, who had familiar entrance therein, having announced them, they had to wait but a quarter of an hour before the King invited them to his chamber. Here they sank upon the knee, and in this posture Sir Ralph began to read the Petition. But Charles would not have it so; and, making them all rise, listened attentively as Sir Ralph proceeded; until he came to the passage charging the malignant party with a design to change the established religion, when his Majesty suddenly interrupted him, exclaiming with a great deal of fervency, "The Devil take him, whom-

Reception  
by  
Charles.

Hopton  
reading  
Petition.

\* D'Ewes has subsequent occasion to refer in his Journal to the Remonstrance "presented at Hampton Court by myself and ten other members of the House," which shows that the only defaulter in attendance, out of the twelve named, was Sir Edward Dering.

“ soever he be, that hath a design to change  
 “ our religion !” Then Sir Ralph resumed ;  
 but, just after reading the sentence towards the  
 close about reserving the disposal of the rebels’  
 lands in Ireland, his Majesty again broke in  
 and was pleased to say, “ We must not dispose  
 “ of the Bear’s skin till the Bear be dead.”  
 His Majesty, in short, was in excellent spirits ;  
 showed none of his usual short sharp ways ;  
 and, after they had finished reading the Peti-  
 tion and had placed the Remonstrance before  
 him, seemed entirely disposed to have some  
 familiar talk with the Committee. Its object,  
 however, speedily revealed itself on his desiring  
 merely to ask the worthy members a few  
 questions touching this Remonstrance and the  
 Petition they had read. Royalist as he was,  
 Sir Ralph Hopton saw the danger, and made  
 reply respectfully that they had no commission  
 to speak anything concerning the business.  
 “ Then,” the King quickly rejoined, “ you  
 “ may speak as particular men. Doth the  
 “ House intend to *publish* this Declaration ?”  
 But not so were those ancient parliament men  
 to be thrown off their guard ; and they an-  
 swered simply that they could give no answer to  
 it. “ Well then,” said the King, “ I suppose  
 “ you do not expect *me* to answer now to so  
 “ long a Petition. But this let me tell you, I  
 “ have left Scotland well, and in peace ; they are  
 “ all satisfied with me, and I with them ; and  
 “ though I stayed longer there than I expected,  
 “ yet I think, if I had not gone, you had not  
 “ been rid so soon of the army. And as to  
 “ this business of yours, I shall give you an

Interrup-  
 tions by  
 King.

The Bear  
 and the  
 Bear’s  
 skin.

Commit-  
 tee ques-  
 tioned :

“ Do you  
 mean to  
 publish ?”

King’s  
 answer to  
 Petition.

Cloſe of  
interview.

“ answer with as much ſpeed as the weighti-  
nefs of the buſineſs will permit.” With  
which he gave them his hand to kiſs ; committing  
them to the entertainment of his comp-  
troller, and the lodgment of his harbinger ;  
both being of the wortheiſt. And Sir Ralph  
craved to conclude his report with faithful re-  
petition of the royal meſſage which, juſt as  
they were on the point of leaving the palace,  
was brought to them with requeſt for its imme-  
diate delivery to the Houſe of Commons :  
“ *That there might be no publiſhing of the De-  
claration till the Houſe had received his Ma-  
jeſty’s Answer.*”

Meſſage  
before  
departure.

No pledge  
not to  
publiſh.

Incite-  
ments to  
publica-  
tion.

The reader will now judge to what extent  
the facts juſtify Clarendon in ſtating, that,  
when it was finally reſolved to publiſh the Re-  
monſtrance, this was done in violation of a  
compact or underſtanding againſt any ſuch ſtep  
until the King’s answer was received. On the  
one ſide there was a ſtrong wiſh expreſſed un-  
doubtedly, but on the other this wiſh was met  
by neither compact nor underſtanding. If  
indeed there were any violation in the caſe, it  
might more fairly be charged upon the King.  
He told the Committee that he did not at that  
time deſign to answer their Remonſtrance, yet  
there was hardly an act at this moment con-  
templated by him, or to which he had ſet his  
hand ſince his arrival in London, which did  
not practically expreſs his answer. It was in  
his proclamation for obedience to the laws  
regulating worſhip ; in his order for the diſ-  
miſſal of the City Guard over the Houſes ; in  
his direction that they ſhould in future be

guarded by the bands of Westminster and Middlesex, officered by his own servants; and in his proposed removal of Balfour from the command of the Tower. Already he had ended all doubt as to the temper in which he had returned; and many to whom even the voting of the Remonstrance had appeared of doubtful expediency, now saw and admitted the necessity of publishing it to the people. Manifestly had its promoters succeeded in its first design at least; for the challenge it threw down had been promptly taken up. If the King had been sincere in his former professions of an intention to govern for the future within the limits of the laws he had himself assented to, there was nothing in the Remonstrance to defeat that intention; but if he had any other desire or purpose as yet masked, such was no longer maintainable. He never had a better opportunity than the present for betaking himself to parliamentary ways of asserting his power and prerogatives, but events were speedily to show with what far other views he was now inviting into office two out of those three of the House of Commons (calling also into secret council the third) who had organised and led the new party of his friends within its walls. Something less than twelve days are to pass before the debate which is to put finally before the people the Grand Remonstrance, and if the wish still lingered with Hampden or with Pym to have been saved, if possible, the necessity of that appeal, each day supplied its argument against such a possibility. I will select but a few, from the manuscript records before

Hostile acts against House.

King's purpose unmasked.

Hyde and friends invited to office.



me, to show with what resistless march, as day followed day, the crisis came on.

#### § XXIV. RETALIATION AND REVENGE.

Tamper-  
ings with  
command  
of Tower

The rumoured removal of Balfour from the command of the Tower was the first direct challenge to the House. Balfour stood high in their confidence for his unshaken fidelity in preventing the escape of Strafford, whereas Clarendon himself admits\* that Lunsford, selected to replace him, was a man of no education, of ill character, and of decayed and desperate fortune, who had been obliged, but a few years before, to avoid by flight into France the penalty of punishment for a grave misdemeanour. Such indeed was the feeling in the City aroused by his appointment when, in less than three weeks from this time, it actually took place, that under the pressure of very alarming indications of riot, the King had to withdraw it. Even already, a certain uneasy feeling in the City connected itself with a sense of the insecurity of the Tower; and the report of Balfour's removal led to some tumultuous

Popular  
commo-  
tion.

Preparing  
for act of  
violence.

\* Though of course, as with all the acts of the King which had immediately disastrous issue, he makes Lord Digby the scapegoat, and charges the ill counsel upon him. *Hist.* ii. 123. The King's object, as Clarendon frankly admits, was, that having now some secret reason to fill the place with a man who might be trusted, he selected Lunsford as one who would be faithful to him for this obligation, and execute anything he should desire or direct. In other words, as is remarked by Warburton (vii. 547), who puts in plain speech Clarendon's laboured periphrasis, "*to keep the Five Members safe whom it was determined to arrest.*" This subject is treated in detail in my *Arrest of the Five Members*.

gatherings on the Monday after the King's return, and spread great alarm among the well-affected.

That was on the 29th of November. On the morning of that same day, the new Guard to the Houses was sent under the command of Lord Dorset by the King, by way of reply to the reasons drawn up by Pym\* and presented in the name of both Houses; and before the day had closed, swords were drawn and muskets fired upon the people.† It was thus coming to an issue outside the walls of parliament, upon the suggestion or incitement of the sovereign; invitations were going out to the people, to throw on either side their weight into the scale; and soon perforce the question must arise, to which of the contending parties that power would most freely lend itself, to uphold monarchical pretension, or to strengthen and establish parliamentary privilege.

On the morning of the 30th of November, Pym, Hampden, and Hollis went up to the Lords with a message for the discharge of the trained-bands which the King had so substituted for their own. As Clarendon puts it, "since they could not have such a guard as pleased them, they would have none at all."‡ And so, the Peers consenting, Lord Dorset and his followers were dismissed; the Commons

\* See *ante*, p. 357-8.

† "The Earl of Dorset's indiscreet rashness this day," Lord writes D'Ewes, on the 29th, "might have occasioned the shedding of much blood—he commanded some of the guard to give fire upon some of the citizens of London in the Court of Requests or near it."

‡ *Hist.* ii. 86.

Ominous  
precau-  
tion.

The end  
approach-  
ing.

Witty  
remark by  
Selden.

*Com-  
mons'*  
*Journals* :  
30th Nov.

at the same time declaring that it should be lawful, in the absence of a Guard duly appointed, for every member to bring his own servants to attend at the door, armed with such weapons as they thought fit.\* No needless or unprovoked precaution; for the danger, and the direction it would take, were now not distantly revealing themselves. What secretly was already resolved upon could not much longer be concealed. As Selden wittily puts it in his *Table Talk* (and a calmer or less partial witness of the events now rapidly moving to their issue could not be named), "the King was using the House of Commons in Mr. Pym and his company, that is, charging *them* with treason because they charged my lord of Canterbury and Sir George Ratcliffe, with just as much logic as the boy that would have lain with his grandmother used to his father: "You lay with my mother, why should not I lie with yours?" † Thus early were people talking of his purpose, almost openly. On this very day (the 30th), when the Commons dismissed Lord Dorset and his band, D'Ewes tells us "upon Mr. Pury's motion, that one William Chillingworth, doctor of divinity, had said that some members of this

\* Such is Clarendon's account (*Hist.* ii. 86), but the notice in the journals simply says: "Ordered that the Guard shall be dismissed; and that Mr. Glyn and Mr. Wheeler do require the High Constable of Westminster to provide a strong and sufficient watch in their steads."

† *Table Talk*, p. 96. The substitution of Ratcliffe for Strafford, in this report by Selden of the plea or pretence of the Court party, is highly characteristic. Strafford could not in decency be put forward, with so many who had persecuted him to the death now ranged on the side of the King.

“ House were guilty of treason, and that they  
 “ should be accused within a day or two, it was  
 “ ordered that the serjeant’s deputy should  
 “ bring him forthwith to the House, and if he  
 “ should refuse to come, then to apprehend  
 “ him as a delinquent, and bring him.” So  
 rapidly were the lists closing up on both sides,  
 and so narrowed the opportunities on either for  
 escaping a fatal issue.

Doctor  
Chilling-  
worth’s  
disclosure.

§ XXV. ALLEGED INTIMIDATION OF  
 PARLIAMENT.

The next move in the perilous game was  
 made by Hyde and his party, bent upon effect-  
 ing some diversion from the suspicions and  
 agitations let loose by Doctor Chillingworth’s  
 disclosure, and to whom the popular riot of  
 Monday offered good pretence for complaint  
 of such pressure and coercion as “ consisted  
 “ not with the freedom of parliament.” In  
 that expression their whole policy revealed it-  
 self; its entire aim and end lay there; and, in  
 the same temper which had now supplied the  
 occasion, it was eagerly followed up. It is not,  
 I think, possible to doubt, that, from the day  
 when Charles had left for Scotland in the  
 autumn, his cherished and steadily pursued  
 purpose was to find ground for revoking what-  
 ever had been done that was unpalatable to  
 him during the past year; and such ground  
 would be furnished by the pretence that parlia-  
 ment had not been free, but that coercion had  
 been put upon it by certain leading members,  
 by whom penalties of treason to the State had

Hyde’s  
plot.

Parlia-  
ment’s “not  
free.”

King’s  
plea of  
coercion.

otherwise also been incurred. Every act of himself or his partizans, therefore, assumed now that specific form and direction. The case of the protesters against the Grand Remonstrance he took where they left it, and made his own.

Minority  
against  
Majority.

Not they who passed it, but they who protested against it, were his faithful Commons. But they were under a tyranny both within and without the House which prevented fair expression of opinion.

30th Nov  
P.M.  
Charge  
against  
citizens.

On the return of the leaders to their seats after removal of Lord Dorset's men, in the afternoon of the 30th of November, Hyde rose, and craving leave to advert again to the incident of the Guard, taxed the London citizens and apprentices with having come on the previous day armed with swords and staves to Westminster, specially to overawe particular members from voting as they wished. He was interrupted by the demand for instances; upon which Sir John Strangways said aside to those who sat near him, that he could extinguish some loud talkers and interrupters in that House perhaps, were he to tell what he knew. "Tell it, then," was the cry of one who overheard him; and the member for Weymouth rose, nothing loath. He wished Mr. Speaker to inform him whether the privilege of parliament was not utterly broken if men might not come in safely to give their votes freely? Well, then, he must tell them that he had received information of a plot or conspiracy for the destruction of some of the members of that House, which he conceived to be little less than treason; and he had moreover grounds

Charge  
against  
members.

Shall we  
not give  
votes  
freely?

to believe that some other of the members of that House were either contrivers of it, or had consented to it; and he therefore desired that the Lord Falkland, Sir John Culpeper, and some three others, might be appointed a select committee to examine the matter. Upon which not very impartial proposal arose, not unnaturally, great murmurs; ending in a peremptory order that Sir John should presently declare the whole matter in particulars, and not lay suspicion and charge indiscriminately upon members of the House. Authority for the statement was handed in accordingly; and proved to be to the effect\* that a certain "lusty young man," a haberdasher's apprentice in Distaff Lane, had boasted to certain parties of having been one among a thousand or so, who with swords and staves had betaken themselves to Westminster Palace Yard; his master, who was a constable, having given him a sword and ordered him to go; in fact, that some parlia-

Strangways asks for committee.

Is required to state complaint.

Story of an apprentice.

\* I furnish these curious details from the Journal so often referred to; the paper produced by Strangways being entitled "A brief of the Discourse had between one Cole, an apprentice to Mr. Mansfield, an haberdasher in Distaff Lane, and one John Nicholson, DD, in the presence of Stephen Tirrett, uncle to the said Cole, and John Derivale, both Chelmsford men." The Rev. Doctor is the informant, and appears to have been sitting conversing with the said Tirrett and Derivale, probably on theological subjects, "in his lodgings in Gracious [Gracechurch] Street, between nine and ten of the clock," when that very respectable lad, Stephen, came in somewhat elatedly to tell his uncle the news above mentioned. Mr. Kirton's respectable citizen, on the other hand, whose man came to him when he was smoking with his friend Mr. Farlow of Wood Street, was one Mr. Lavender; and the witnesses who signed the relation averred that when Mr. Lavender heard what his man told him, he instantly departed, "and the rest of the company were much troubled."

D'Ewes's MS.

A scene in "Gracious" Street.

Some members to be over-awed by others.

ment men had sent for them; and that the intent of their going was because of news of some certain division among the members of the lower House, in which the best-affected party, whom they were to assist, were likely to be overborne by the others; but that finding all quiet, and both sides agreeing well together, they had come home again.

Yes, well, and is this all? became the cry when Sir John Strangways' relation was ended.

"Name!  
"Name!"

Where, then, is the evidence against members of this House, and *who are* the members impugned? "That *I* can answer," cried an active partizan of Hyde's, Mr. Kirton, the member for Milborn Port; who thereupon handed in a further piece of evidence, to the effect that a worthy London citizen, being in Wood Street taking tobacco with some friends on the day in question, there came his man to him and brought him word that a message was arrived from Captain Ven (member for London, he who afterwards sat on the trial of the King) to desire him to come away speedily armed to the House of Commons, for swords were there drawn, and the well-affected party was like to be overborne by the others. During the reading of this paper, Captain Ven came into his place, and would at the moment have answered to it; but the House thought it not fit till somewhat were proved, and, as to the preceding relation, conceived that Sir John Strangways had considerably overstated himself, and had ventured upon an accusation which his information in no respect warranted. On which Pym, rising with unusual gravity of

Kirton names Ven.

House prevents Ven's answer.

manner, put this very significant question to Mr. Speaker: "Whether, though the worthy member had failed to prove his charge of a conspiracy, either contrived or consented to by members unnamed, for the destruction of other members more plainly referred to, he had yet not succeeded in proving very fully, that there *was a conspiracy by some members of this House to accuse other members of the same of Treason?*"

Pym's question to Mr. Speaker.

On the second of December, and on the third, the subject of these out-of-door demonstrations continued still under debate. Edmund Waller inveighed much against the Londoners for coming to Westminster in so tumultuous a manner and crying openly, No Bishops! No Bishops! and boldly justified the Earl of Dorset in the course he had taken, saying he had done nothing but what he was necessitated unto. Strode took the other side as warmly, declaring that the citizens had *not* come in any tumultuous or unlawful manner. Culpeper answered him, and in rough overbearing speech reiterated the charge that there had been a very unjustifiable tumult. To him succeeded D'Ewes, who declared himself of Mr. Strode's opinion, and that it was matter for grave inquiry that the Lord Dorset should have advised his musqueteers to shoot the citizens, and his pikemen to run them through, when they came simply, with all affection and faithfulness to the House, to attend the issue of their petitions to the high court of Parliament. Whereupon again started up Sir John Culpeper, speaking to order, and calling upon Sir Simonds

2nd & 3d Dec. Debates on popular gatherings.

Waller, Strode, and Culpeper.

D'Ewes defends the citizens.

Culpeper interrupts.



D'Ewes to explain what he meant by talking of—— But then Sir Walter Earle rose to order from the other side, and said that no individual had the right, except with authority of the whole House, to take exceptions to what had fallen from any member. Culpeper hereon resumed his seat, and D'Ewes himself was heard to the point of order. He simply desired the gentleman on the other side of the way might be allowed to speak, and to name the words he would except against. On which Culpeper stood up again and said, more mildly, that what he intended to have remarked was out of a great deal of respect to the worthy member who had just spoken, well knowing he had no ill intention, whatever words might slip from him. But, what did he mean by mentioning the citizens' "loyalty" to that House? Was loyalty due, and to be paid, there or elsewhere? "Which very words," interposes D'Ewes in his Journal, "I either certainly spake not at all, or not in one common clause together." (In his own report, in the same manuscript record, the words are "affection and faithfulness," not loyalty.) "Wherefore I stood up myself, not one man calling on me, to explain; and I said 'For the words themselves, 'I do not remember that I spake them, 'and for that I appeal to the whole House' (upon which there followed a great silence, and I did not hear one man second Sir John Culpeper's charge). 'But if I had spoken 'the words, I conceive that gentleman would 'take no exception to them if he will but 'peruse Littleton in his chapter of Homage,

Earle and  
D'Ewes  
to order.

Culpeper  
explains.

D'Ewes  
replies.

House  
supports  
D'Ewes.

“ ‘ where he will find that one subject may owe  
 “ ‘ loyalty to another without breach of his  
 “ ‘ loyalty to the King.’ Whereupon the Culpeper  
silenced.  
 “ House rested satisfied. Sir John Culpeper  
 “ sat silent ; and many laughed at the imperti-  
 “ nence of his exception, hearing how fully I  
 “ had answered him upon the sudden. In  
 “ which,” adds the good Sir Simonds in  
 parenthesis, “ I did very much acknowledge  
 “ God’s assistance in furnishing me with so apt  
 “ and present a reply.”

The temper of the Majority of the House, Pym’s  
motion  
against  
upper  
House.  
 in close juxtaposition and contrast with that of  
 its Minority of royalist opposition, appears in  
 these curious and valuable records ; and still  
 more unmistakeably was it shown in the after-  
 noon of that same 3d of December, when Pym  
 rose and called attention to the stoppage of all  
 legislative business by the rejection of, or refusal  
 of the Lords to proceed with, various bills that Stoppage  
of useful  
Bills.  
 had been sent to the upper House. He moved  
 for a committee to review what bills the Com-  
 mons had passed and the Lords had rejected,  
 and the reasons why ; and, if the Lords would  
 not join with them,\* then let them go to the

\* It was but a few weeks after this that Pym summed up Obstruc-  
tions in  
upper  
House.  
 these and similar obstructions made by the Lords, at a confer-  
 ence with that House, and closed his speech in these very  
 memorable words :

“ We have often suffered under the misinterpretation of  
 “ good actions, and false imputation of evil ones which we  
 “ never intended ; so that we may justly purge ourselves from  
 “ all guilt of being authors of this jealousy and misunder-  
 “ standing. We have been, and are still, ready to serve his  
 “ Majesty with our lives and fortunes, with as much cheer-  
 “ fulness and earnestness of affection as ever any subjects  
 “ were ; and we doubt not but our proceedings will so mani-

Will minority of Lords join majority of Commons in a protest.

King ; having first put their Declaration before the people, which would enable *them* to see where the obstructions lay. “ We may have “ our part in the misery occasioned,” he said, “ let us be careful that we have no part in the “ guilt or the dishonour.” He further threw out the suggestion, that, since the Lords possessed the undoubted right to protest in their individual capacity, and were not constitutionally involved by the major part, it would be well that they should take those protesting Lords with them, and represent jointly to the King the causes of obstruction. A proposal which called forth instantly a retort from the quarter where Hyde’s party sat ; for, up sprang

Counter proposition by Godolphin.

Mr. Francis Godolphin, Edmund Waller’s colleague in the representation of St. Ives, and asked Mr. Speaker to inform him, whether, if the majority of that House went to the King with the lesser part of the Lords, “ *the greater part of the Lords might not go to the King*

Pym’s appeal to Lords:

“ feft this, that we shall be as clear in the apprehension of the “ world, as we are in the testimony of our own consciences. “ I am now come to a conclusion. I have nothing to propound to your Lordships by way of request or desire from “ the House of Commons. I doubt not but your judgments “ will tell you what is to be done : your consciences, your “ honours, your interests, will call upon you for the doing of “ it. The Commons will be glad to have your concurrence “ and help in saving of the kingdom ; but if they fail in it, “ it shall not discourage them in doing their duty. And “ whether the kingdom be lost or saved, (but I hope, through “ God’s blessing, it will be saved!) they shall be sorry that “ the story of this present parliament should tell posterity, “ that in so great a danger and extremity the House of Commons should be enforced to save the kingdom alone, and “ that the Peers should have no part in the honour of the “ preservation of it ; having so great an interest in the good “ success of those endeavours, in respect of their great estates “ and high degrees of nobility.”

Do not leave us to save the country alone.

“with the lesser part of us.” Mr. Godolphin’s suggestion was startling, and he was reprimanded and had to make due submission for it;\* but nothing could more perfectly have revealed all that at this time filled the minds and hopes of the King and his friends. If the right blow could only be aimed, at the right time, against the leaders of the Commons, the way to its accomplishment seemed not remote. And what view Lenthall himself, the Speaker of the Commons, seems now to have been disposed to take, as between King and Parliament, of the side to which victory was likely to incline, is expressed by a servile letter he wrote privately on this very third of December to the King’s new Secretary of State, Sir Edward Nicholas, praying to be relieved of the too onerous dignity of the Chair, and to be suffered to become, once more, the meanest subject of the best of sovereigns.†

Hopes of Court party.

Views of Mr. Speaker.

That was on Friday, the day of Godolphin’s startling proposal to piece out the minority of the Commons by a majority in the Lords. On Monday the 6th, Cromwell brought forward a

Monday, 6th Dec. Cromwell

\* “Ordered that on Tuesday next the House shall take into consideration the offence now given by words spoken by Mr. Godolphin.” The offence is not further specified. On the Tuesday named, an order appears “that the House do take into consideration, on Thursday next, such words spoken by members of this House, to which formerly exception hath been taken.” Alas! however, on the Thursday named (the 16th), occurred the King’s great breach of and privilege in taking notice of a Bill while in progress; and the matter was again deferred. I have not cared to pursue it further.

Commons’ Journals: 3rd Dec.

7th Dec.

† See *Arrest of the Five Members*, § iii. I have since found, however, that Nalson had anticipated me in printing (*Collections*, ii. 713), also from the State Paper Office, this letter of Lenthall.

on breach  
of pri-  
vilege.

Peers'  
inter-  
ference  
with elec-  
tions.

Tuesday,  
7th Dec.

A start-  
ling  
proposal.

case of interference by a peer with House of Commons privileges, which had no tendency to abate the prevailing excitement. He charged Lord Arundel with having sought unduly to influence and intimidate burgesses of the borough of Arundel in regard to new elections. This appears to have raised an animated debate, in the course of which a doctrine laid down by Hyde and Culpeper, to the effect that Lords *might* "write commendatory letters" during the progress of an election, was somewhat roughly handled. But Tuesday the 7th saw a still more startling proposition launched from the other side; a proposition so notable indeed, that Clarendon in his History is disposed to single it out, and set it apart, as the sole cause and ground of all the mischiefs which ensued. Nevertheless it will probably seem to us, after watching the course of events immediately before and since the return of the King, but as an advance or step onward, hardly avoidable, in the hazardous path which had been entered. The necessity of greatly increasing the forces of the realm was not more obvious, than the danger of entrusting to an executive in whom no confidence was placed, the uncontrolled power of disposing those forces. The disaffected spirit of the army, as now officered, and in the midst of a frightful rebellion raging in one of the three kingdoms, was no longer matter of doubt. Irrefragable proofs of the second army plot had been completed; and resolutions were at this time prepared, to take effect on the day after that to which my narrative has arrived, disabling four of those officers (men high in the

King's confidence and to whom he afterwards gave peerages) from their seats in the lower House, as guilty of misprision of treason, by name Wilmot, Pollard, Ashburnham, and Percy, members for Tamworth, Beeralston, Ludgershall (Wilts), and Northumberland. The distrust felt by the Commons on the King's removal of their Guard, and the resolutions as to the defence of the kingdom which they passed on that troubled Saturday after his return, receive only their full explanation from keeping such facts in view; and they led, almost unavoidably, to the more momentous step now waiting to be detailed.

Dangers from army intrigues.

Distrust of the King.

§ XXVI. AN OMINOUS PROPOSAL.

ON Tuesday, the 7th of December, Sir Arthur Haselrig rose in his usual place in the gallery of the House, and presented a Bill for settling the Militia of the kingdom by sea and land, under a Lord General and a High Admiral, to whom it gave great powers to raise and levy forces. It was styled An Act for the making of (Blank) Lord General of all the forces within the kingdom of England and dominion of Wales, and (Blank) Lord High Admiral of England. Clarendon says that this bill had been privately prepared by the King's solicitor, St. John; and that his influence as a lawyer, on his declaring the existing law to have been so unsettled by disabling votes of the two Houses that a special enactment was become absolutely necessary, mainly led to the bill being permitted to be read. But, while his statements here are to be taken with even more

Tuesday, 7th Dec. Bill presented by Haselrig :

for settling the Militia.

Account  
in the  
D'Ewes  
MS.

than the usual caution, it is to be remarked that D'Ewes, though he says nothing absolutely inconsistent therewith, does not expressly confirm them; and D'Ewes's account, of which I proceed to give an abstract from his manuscript, is the only other on record, so far as I am aware, of this memorable debate.

Bill  
angrily  
received.

Haselrig had scarcely named the provisions of the bill, when a great many members cried, "Away with it!" and others, that they should "Cast it out!" Sir John Culpeper started up on the instant of Haselrig's resuming his seat; and, after wondering that the gentleman in the gallery should bring in such a bill,

Culpeper  
moves its  
rejection.

moved that it be at once rejected. Sir Thomas Barrington, though he had voted with the majority in all the Remonstrance debates, regretted that he could not support the particular measure, and wished it might be thrown out; but he thought another less objectionable should be brought in with similar design. Strode "and others" spoke for it strongly; and then D'Ewes himself rose and made a lengthy speech in its favour, duly self-reported, but with which the reader need not be troubled.

Barrington  
against:

Strode  
and  
D'Ewes  
for.

Divers followed him, speaking on either side, some for, and others against the bill, and many using violent expressions against it. Mr. Thomas Cook, for example, the member for Leicester, declared that one Hexey in Richard the Second's time, for introducing, in the twentieth year of that reign, a bill against the King's prerogative of far less consequence than this, had been condemned as a traitor. Nor did Mr. Mallory, the member for Ripon,

Cook  
cites pre-  
cedent  
against.

speak less violently on the same side. He denounced the bill as fit to be burned in Westminster Palace Yard, and the gentleman who brought it in as deserving to be questioned. On the other hand, several rose and excepted against Mr. Mallory's speech, as rather thinking *it* more worthy to be questioned; but thereupon Strode got up and remarked that he thought Mr. Mallory's speech in some sort excusable, as having been occasioned by the speech of a gentleman that sat near him (alluding to Mr. Cook), who had once before cited in that House a highly dangerous precedent. Great cries of assent followed this remark, and many rose in succession to enforce it, until, in spite of dissentients, Mr. Cook was called up to explain. But, what he said not satisfying the House, he was ordered to withdraw, while some would have had his further attendance suspended. Meanwhile a sudden thought had occurred to D'Ewes, which he had immediately proceeded to execute. "During this debate," he says, "I retired out of the House to my lodging in Goats-alley, near the Palace, and there searched out the precedent. On my return, I said that the gentleman now withdrawn was a young man, and a man of hope, and therefore I desired that he be not too much disheartened. I thought him more punishable for mis-reciting than for citing precedents. The precedent in question was not against the King's prerogative, but against the excessive expenses of the King's household; and though Hexey was sentenced, he was

Mallory would have bill burnt.  
 Cook called up :  
 ordered to withdraw.  
 Had mis-quoted precedent.  
 D'Ewes exposes



and laughs at him. “ afterwards cleared by Parliament. There-  
 “ fore the greatest censure I would have laid  
 “ upon this gentleman is, that he would cite  
 “ no more records till he shall have studied  
 “ them better. At which divers of the House  
 “ laughed ;” and Cook having been called in,  
 Cook ad- and admonished by Mr. Speaker,\* Haselrig’s  
 monished. bill passed to a division. Sir John Culpeper  
 and Sir Frederick Cornwallis were tellers for  
 the Yeas, which were 125, to reject it; and  
 Denzil Hollis and Sir William Armysn, mem-  
 ber for Grantham, for the majority of 158 in  
 its favour: and the bill was read a first time.  
 Bill read a first time: 158 to 125. And now let me append to this trustworthy  
 account, taken from the notes of a member  
 present while the debate was in progress, the  
 narrative of the same incident as related by  
 Clarendon. Perhaps no more remarkable  
 warning could be given of the scrupulous care  
 with which his *History* should be read, and of

*Commons’  
 Journals.*  
 ii. 334.

Verney’s  
*Notes,*  
 p. 132.

\* The only notices hitherto given of this incident appear  
 in the *Journals* and in Verney’s *Notes*. “ Some exceptions  
 “ were taken to Mr. Coke for the misfalinging of precedents;  
 “ and after he had explained himself, he was, according to  
 “ the order of the House, commanded to withdraw. Resolved  
 “ upon the question, That Mr. Coke shall be called down,  
 “ and in his place, have an admonition for the words that fell  
 “ from him. The Speaker told him in his place that he was  
 “ commanded to admonish him, that he should take a care  
 “ hereafter, how he did allege or apply precedents in this  
 “ House.” Verney says in his *Notes*: “ Sir Arthur Haselrig  
 “ did bring in a bill to dispose all the Militia of England  
 “ into two generals for life. This bill was thought fit by  
 “ some to be rejected, and Mr. Thomas Cook said, it was in  
 “ his judgment worse than the bill brought in by Hexam in  
 “ Richard the Second’s time, by which he was accused of  
 “ high treason. For this speech he was questioned and taxed,  
 “ for citing but half the precedent, for Hexam was afterwards  
 “ cleared by parliament. For this offence he received an  
 “ admonition in his place, by the Speaker.”

the danger of trusting to its statements even where there is no suspicion of bad faith, than is afforded by the manner in which he recounts the first introduction of this Bill for putting the power of the Militia substantially into the hands of the House of Commons. told with strange variations.

In his Fourth Book, speaking of the exact period to which reference already has been made, he says that there was "at this time, or thereabout," a debate started in the House, as if by mere chance, which produced many inconveniences thereafter, and indeed, if there had not been too many concurrent causes, might be thought the sole cause and ground of all the mischiefs which ensued. And then he describes "an obscure member" moving unexpectedly "that the House would enter upon the consideration whether the Militia of the kingdom was so settled by law that a sudden force, or army, could be drawn together for the defence of the kingdom, if it should be invaded, or to suppress an insurrection or rebellion, if it should be attempted." He goes on to say that the House kept a long silence after the motion, the newness of it amazing (until the edition of 1826, this word had been printed "amusing") most men, and few in truth understanding the meaning of it; until sundry other members, not among the leading men, appeared to be so moved by the weight of what had been said, that it grew to the proposition of a committee for preparing such a bill, whereupon Mr. Hyde so strongly opposed it as encroaching on the royal prerogative, that the Motion made as to militia: how treated.

Hyde replied to by Solicitor-General.

House appeared satisfied to take up another subject: when the King's Solicitor, St. John, "and the only man in the House of his "learned council," got up and disputed Mr. Hyde's law, observing that the question was not about taking away power from the King (which it was his duty always to oppose), but to inquire if the sufficient and necessary power existed at all. This he regretted to say he did not believe, supporting his opinion by the many adverse votes which that House had passed against the ordinary modes of levy in the King's name, by means of commissions to Lord Lieutenants and their subordinates; and the result of his display of learning was, that in the end he was himself requested to introduce such a bill, which, within a few days after, was actually brought in, enacting "that henceforward the Militia, and all the powers thereof, "should be vested in ——;" and then a large blank was left for inserting names, in which blank, the Solicitor urged, they might for aught he knew insert the King's, and he hoped it would be so. This bill, Clarendon concludes, notwithstanding all opposition, was read, "they who had contrived it being well "enough contented that it was once read; "not desiring to prosecute it, till some more "favourable conjuncture should be offered; "and so it rested."

St. John brings in a bill.

Clarendon  
*Hist.* i.  
486.

Now, having proceeded so far, let the reader turn back to the Third Book of the same History, and he will there find that the same historian, professing to speak of the period immediately before the King's departure for Scot-

land, antedates the whole of the transaction just described; and narrates quite differently, and as though impelled by motives and inducements altogether different, events precisely the same. His object now is to show that the leaders of the House were anxious to prevent the King's departure by warning him that he was leaving affairs in a dangerously unsettled state, and without sufficient powers inherent in the laws and constitution to meet the danger. "And "therefore," he continues, "one day Sir Arthur Haselrig (who, as was said before, was "used by the leading men, like the dove out "of the ark, to try what footing there was) "preferred a bill for the settling the Militia of "the kingdom both by sea and land in such "persons as they should nominate." He adds that there were in the bill no names, but blanks to receive them, when the matter should be passed; and that when the mere title of the bill was read, it gave so general an offence to the House that they seemed inclined to throw it out, without suffering it to be read: not without some reproach, to the person that brought it in, "as a matter of sedition:" till Mr. St. John, the King's Solicitor, rose up and spake to it, and ("having in truth himself "drawn the bill") defended its provisions, declaring his belief as a lawyer, that the power it proposed to settle was not yet by law vested in any person or in the Crown itself, the House by their votes having blasted the former modes of proceeding by the ordinary royal commissions to Lord Lieutenants and their deputies; that such a bill therefore was necessary; and

Same incident again told.

Quite different account of same facts.

Bill brought in by Haselrig:

drawn by St. John:

who defends

and explains it.

Never read second time.

that for the nomination of persons under it, this was a matter not requiring to be settled on the reading of the bill, for if it seemed too great for any subject it might be devolved upon the Crown. "Upon which discourse," Clarendon concludes, "by a person of the King's sworn council, the bill was read; but with so universal a dislike, that it was never called upon the second time, but slept, till, long after, the matter of it was digested in ordinances."\*

Alleged rejection.

Error as to first reading.

Carried by 158 to 125.

Great of course has been the confusion, to readers, consequent on these two versions of the same incident, dated at different times, and having objects quite dissimilar; and it has been further increased by a statement of Nalson's,† that Haselrig's bill was rejected indignantly on its introduction, by a majority of 158 to 105. But the one point on which Clarendon is not inaccurate is, in affirming, in both narratives, that the bill *was* read. The error in this respect has arisen from a too hasty reading of the Journals,‡ where the Yeas at the division appear undoubtedly as 125 (not 105), and the Noes as 158; but it has been overlooked that the division was taken not on the question whether the bill should be read, but whether it should be rejected. The names of the tellers are quite decisive, Culpeper and Cornwallis being for the Yeas, and Denzil Hollis and Sir W<sup>m</sup>. Armyne (member for Grantham, and afterwards a king's judge) for the Noes. Even that generally accurate and

\* *Hist.* i. 486-8. † Nalson's *Collections*, ii. 719.

‡ *Commons' Journals*, ii. 334.

reliable writer, Mr. Bruce, has fallen into error on this point,\* and supposes the bill to have been rejected. Mr. Hallam also has been led into some confusion † from not examining Clarendon's text with sufficient minuteness. I take the opportunity of adding that Nalson's *Collections*, which, by some extraordinary chance in the fortunes of books, has been too commonly accepted as an authority on these times, is an utterly untrustworthy gathering of the most violent party pamphlets and libels, got together towards the close of Charles the Second's reign for the special delectation of his Majesty and as an antidote to Rushworth, by a compiler who had himself no personal knowledge of the men or the events, over which he exercised an unlimited right of the grossest abuse and most unwearied misrepresentation.

Mistakes  
and con-  
fusion.

Historians  
missed.

Nalson no  
authority.

### § XXVII. THE CITY PETITION.

ON the day following Haselrig's introduction of the Militia Bill, Wednesday the 8th, Geoffrey Palmer made his submission and was released from the Tower. The day following, the expulsion of the officers convicted of complicity in the second army-plot took place; and on the morning after, Friday the 10th of December, ‡ the members were startled, on

Wednes-  
day, 8th  
Dec.

Friday,  
10th:

\* See Verney's *Notes*, p. 132. † *Const. Hist.* ii. 128, 9.

‡ On the same morning I find a point of order and reverence settled by Mr. Denzil Hollis. "On Mr Hollis' motion," says D'Ewes's Manuscript, "it was declared the ancient order Points of

New  
Guard on  
Houses.

coming to take their seats, to find a new Guard of Halberdiers set upon the doors. A debate upon the report as to the Public Debt handed in by Sir John Hotham the previous day, and upon the immediate necessity of raising men and money for the requirements of the Irish Rebellion, was in progress, when Sir Philip Stapleton stood up and called attention to the fact that there was a new Guard set upon the House of two hundred men with halberts.

Agitation  
thereat.

Much agitation ensued upon this, the business immediately in hand was dropped, and some fear and trouble found expression. Upon particular inquiry it was discovered, that the plea for such new show or threatening of force was a report which had gone abroad of a great Petition coming from the City against the Bishops' votes, and against the obstruction by the Lords

By whom  
placed.

of other matters whereof the settlement was much to be desired, which Petition, accompanied by large numbers of citizens, was to be presented the following day. "Then we were

Writ from  
Lord  
Keeper.

"informed," says D'Ewes, "from several hands, that the original ground of those men assembling was upon a writ from the Lord Keeper pretended to be warranted by the statute of Northampton (13 Henry IV.) for the better suppressing of Routs and Riots:" in obedience to which writ the under-sheriff and magistrates of Middlesex had issued order

form and  
order.

"of the House that when men came in and went out of the House, they ought to make three reverences; and that if any were speaking on the lower form, they ought to go about, and not to come up towards the table"—interrupting honorable speakers!

for the placing of the Halberdiers. The matter was debated with unusual gravity and earnestness; and, upon the motion of Pym, not only was a resolution passed that the placing of such a Guard without consent of the House was a breach of privilege, but orders<sup>Voted breach of privilege.</sup> were issued for bringing before them at nine o'clock on the following morning the various magistrates by whom the warrants had been signed. Instant steps were at the same time taken for removal of the Halberdiers;\* and while these were in progress, at about two o'clock in the afternoon, Sir Christopher Yelverton entered, and said that divers of the Lords were now come, knowing nothing at all of the setting of this new Guard, and were startled at it "as much as Halberdiers removed." A characteristic incident of the debate, as related in D'Ewes's manuscript, should not be omitted. One of Hyde's party, Mr. Francis Newport, the member for Shrewsbury, "during our debate offered to go out of the House, and there was great cry, "Shut the door! Shut the door!" and yet "Shut the door!" "he would go away. The Serjeant not being

\* The subjoined order and resolutions appear upon the *Journals*, "Ordered that the serjeant shall require some of the Halberdiers, or some of those that have the command of them, to come hither to the bar. The bailiff of the Duchy of Lancaſter being called in, was demanded by what authority he brought down men armed: He ſaid the Sheriff received a writ from the Lord Keeper, and that the Underſheriff gave him warrant to do it. . . . Resolved upon the question, That the ſetting of any guards about this Houſe, without the conſent of this Houſe is a breach of the privilege of the Houſe: And that therefore ſuch guards ought to be diſcharged. Resolved upon the queſtion, That this Guard ſhall be immediately diſcharged by the command of this Houſe." *Commons Journals*: ii. 338.



Member  
quits  
House  
without  
leave.

“ in the House, Mr. Rushworth, the clerk’s  
“ assistant, was sent after him ; who called him  
“ back. He being come into the House, the  
“ Speaker declared to him that when the sense  
“ of the House was that the door should be shut,  
“ no member ought to go out. Mr. New-  
“ port said he knew of no order that had been  
“ made to that end : but Mr. Pym showed,  
“ that, besides the general sense of the House,  
“ expressed by so many calling out to have the  
“ door shut, the greatness and weight of the  
“ agitation might persuade any man to forbear  
“ going out.”

Rebuked  
by Pym.

11th Dec.  
Sheriff  
and Ma-  
gistrates  
reprim-  
manded.

The next morning, Saturday the 11th of  
December, the under-sheriff and Westminster  
justices appeared, and, having been duly ex-  
amined and reprimanded, and the under-sheriff  
having been committed to the Tower, there  
shortly afterwards arrived, at the House, the  
Petition upon whose presentation the King had  
been so eager to impose that check of armed  
men. The intention of its originators had been  
to disabuse his Majesty of the fatal notion which  
seems to have been suddenly engendered in him  
by his recent grand entertainment in the City,  
and by the eager royalist tendencies of the Lord  
Mayor, that there was any real defection from  
the popular cause in that its most powerful  
stronghold ;\* and so eagerly had it been signed

The City  
petition.

\* I venture here to subjoin a passage from my *Arrest of the Five Members* (§ xxiv.), in explanation of what the City at this time represented and was. “ Of the power and the im-  
“ portance of the City of London at this time, it is needless  
“ to speak. It represented in itself the wealth, the strength,  
“ and the independence which had made England feared and  
“ honoured throughout the world. Within its walls, and

The City  
220 years  
ago.

by all classes with this view, that, up to that date in the world's history, no petition of equal size and dimensions had yet been seen. One of the members for London, Alderman Pennington, who afterwards sat as one of the King's judges, announced its arrival. He said that divers able and grave citizens were waiting without, to present the House with that formidable Petition of which they had been told that ten thousand persons were coming to present it; but a small number only had come with it, and in a humble and peaceable manner. To avoid all possibility of commotion or undue excitement in connection with it, it had been brought by twelve leading citizens. Upon this the House laid aside all other business; the Speaker called in the deputation; and Mr.

Its arrival announced.

Brought by twelve citizens.

“ under the shadow and protection of its franchises, slept nightly between three and four hundred thousand citizens. “ The place of business of the merchant in those days, was also his residence and home. The houses then recently built by nobles beyond its precincts, along the Strand of the magnificent river, scarcely transcended in extent or splendour those palaces of its merchant princes, which lurked everywhere behind its busy wharves and crowded counting-houses. But, beyond every such source of aggrandisement, its privileges were its power. From its guilds, charters, and immunities, wrested from the needs, or bestowed by the favour, of successive princes; from its own regulation of its military as well as civil affairs; from its complete and thoroughly organised democracy, governed and governing by and within itself; it derived an influence which made it formidable far beyond its wealth and numbers. . . . To its honour, be it said, that from the hour when the cause of public freedom was in peril, the City of London cast in its fortunes unreservedly with the opposition to the Court. Its resolute refusal to join the league against the Scottish Covenantant, had baffled the counsels and wasted the energies of Strafford; and its Trained Bands, under Skippon, were destined largely to contribute to the final defeat of the King.”

Source of its power.

Its sup-

port of its popular cause.

Received  
by Clerk.

Its dimen-  
sions.

Address  
of the  
Chief of  
Deputa-  
tion.

Reply of  
Mr.  
Speaker.

Fouke, a merchant dwelling in Mark-lane, appeared at their head, and presented it as the humble Petition of Aldermen, Common Councilmen, Subsidymen, and other inhabitants of the City of London and suburbs thereof. Then, says the precise Sir Simonds D'Ewes, "the Clerk of the House did there-  
" upon go down to the bar, and received it of  
" him, and brought it up, and laid it on the  
" table. The said Petition was not very long,  
" but there were some fifteen thousand names  
" set to it. It was about three-quarters of a  
" yard in breadth, and twenty-four yards in  
" length." Nor did it seem that even these  
unusual proportions had quite satisfied its promoters; for the worthy citizen at the head of the Deputation, having liberty to address the House, informed them that they should have got before that day many thousand hands more to it, but that they found many obstructions and much opposition from the Lord Mayor, *and others*. And such, said Mr. Fouke in conclusion, was the feeling excited by these difficulties interposed, that it was God's mercy the petitioners had not come in numbers yesterday, when the Halberdiers were assembled, and when there must have been bloodshed. To which Mr. Speaker replied with gracious words, telling the citizens of London, through the worthy gentlemen then standing at their bar, that the House gave them thanks for their readiness on all occasions to comply with supplies for the public; that they would take into consideration, in due time, the particulars desired in the Petition; and that they hoped to

bring things to such result as would give them satisfaction.

When the Deputation left, a debate arose as to the necessity for immediate provision of the supplies which had been voted for Ireland, and as to the best mode of providing such satisfaction for the people as had just been promised to the London petitioners : and again the debate pointed in the old direction, which was that of printing, and circulating through the country, their Grand Remonstrance. The course taken by the King's advisers, indeed, had so far gone in the same direction, that even some royal partizans among the members had been constrained to admit the unlawfulness of the recent attempt to put external pressure on the Houses by means of armed watches and guards. The result of the present deliberation, therefore, appears to have been a kind of silent or unopposed understanding, that the printing of the Remonstrance should be considered as soon as the bill then depending for the pressing of soldiers to serve against the Irish Rebellion should have been disposed of.

Debate  
as to  
Ireland.

Question  
of  
printing  
Remon-  
strance  
revived.

Resolve  
thereon.

But again the ill-advised monarch precipitated this determination. The bill for raising such soldiers by Impressment was under debate on the morning of Tuesday the 14th of December, when a message was unexpectedly brought in, to the effect that his Majesty desired the Commons to attend him in the Lords' House. There, in brief intemperate phrase, he adverted to the Impressment bill which they were then discussing ; warned them that, in the event of its passing, he should give his consent

Tuesday,  
14th Dec.  
Message  
from  
King :

to it only with an exprefs saving of his prerogative ; and significantly added, that he was little beholding to “ him whoever at this time “ began this difpute.” The Commons immediately returned to their Houfe ; voted it, upon the motion of Pym, a breach of all the ancient privileges both of Lords and Commons that his Majesty fhould fo have taken notice of a bill whilft in progrefs ; demanded a conference with the Lords ; and, before the day clofed, had obtained their full co-operation in drawing up “ a declaratory Proteftation ” of their privileges and liberties, and “ a petitionary Remon- “ ftrance ”\* againft his Majesty’s violation of them. Eighteen of the Lords, and double the number of the Commons, went at once with this Proteftation to Whitehall;† and on the

refpefting  
bill under  
difcuffion.

Voted  
breach of  
privilege.

Proteft  
carried to  
King.

Charge  
againft  
St. John.

Not  
credible.

Curious  
notices

\* The petitionary Remonstrance further requires that “ his Majesty will be pleased to difcover the parties by whose “ information and evil counfel his Majesty was induced to “ this breach of privilege, that fo they may receive condign “ punifhment for the fame.” In the face of which, Clarendon nevertheless hazards the ftatement in his *History* (ii. 70-1) that the man who had advised this breach of privilege, was, of all men in the world, Mr. Solicitor St. John ! As if, fupposing this were fo, the King, who hated no one fo much, would not thereon have been eager to give him up as his adviser in fo direct an attack upon his own party ! From the account of the matter I find in D’Ewes’s Journal, I am convinced, on the other hand, that the perfons fufpected were Culpeper and Hyde, and that the claufe requiring the King to furrender the names of his ill advisers was directed fpecially at them. D’Ewes would have had the claufe rejected, on the ground that it was “ very poffible that his Majesty received his in- “ formation and ill counfel from fome third perfon and from “ no member of either Houfe ;” but Pym ftrongly oppofed this, and the claufe was retained.

† D’Ewes attended, as one of the Deputation of the Commons, both on the occafion of the prefenting of the Proteftation, and on that of receiving the King’s Answer, and his notices of both are highly curious and interefting. I quote

day following the King's churlish reception of them, the step was taken from which no further retreating was possible, and the Remonstrance was committed to the people.

Resolve  
taken.

from his manuscript Journal. "I departed with divers others  
"to the Court at Whitehall, being one of the select commit-  
"tee of thirty-six appointed by the House of Commons to  
"attend his Majesty there this afternoon at two o'clock, with  
"a select committee of eighteen of the Lords' House, with  
"that petitionary Remonstrance. The eighteen Lords were  
"at Whitehall before us; and having staid awhile in the  
"Privy Chamber, the Earl of Essex, Lord Chamberlain of  
"his Majesty's household, came out to us, and told us that  
"the King expected our coming to him. Whereupon divers of  
"the Lords, and we of the House of Commons, followed him  
"in through two or three rooms, into a fair inward chamber  
"where the King was. Dr. Williams, Archbishop of York,  
"was appointed to read the said Petition or Remonstrance.  
"He, passing from the lower end of the room towards the  
"King, made three reverences, as most of us also did with  
"him; and then he, coming near the King, kneeled down,  
"and showed his Majesty that he had a Petition or Remon-  
"strance from both Houses to be presented to him. The  
"King then caused him to stand up, and so he read the said  
"Petition. I stood all the while close to him on his left  
"hand. After he had read it, he kneeled again, and pre-  
"sented it to his Majesty, being fairly engrossed in parchment.  
"The King spake so low as I could not hear him; but the  
"Archbishop of York told me after we were come out 'that  
"he would take some time to advise,' &c. And so, making  
"like reverence at our going out as we did at our coming in,  
"we departed." In like manner he describes the more striking  
scene of receiving the King's Answer. Between the two  
occasions the reader will remember, the Commons had not  
only voted the printing of their Grand Remonstrance, but  
had issued it in print; a circumstance which may account for  
the increased sharpness of the King's manner. "Went to  
"Whitehall," says D'Ewes, "to receive the King's Answer.  
"We were admitted into the same room again (being a fair  
"chamber within the privy gallery) where we had delivered  
"the said Petition. The King, looking about, asked to  
"whom he should deliver his Answer; because he saw not  
"the Lord there from whom he received our Petition. But it  
"was answered his Majesty, that he, being to preach before the  
"Lords at the Fast on Wednesday next, was now absent on  
"that occasion. His Majesty demanded further to what other  
"Lord in his absence it was to be delivered? It was an-

Deputa-  
tion pre-  
sent

Arbp.  
Williams  
reads it.

King's  
answer :

## § XXVIII. THE LAST DEBATE.

Twelfth  
and last  
Debate :  
15th Dec.

Purefoy  
moves  
printing.

A great  
silence.

Argu-  
ment for  
printing :

read by  
Nicholas.

Anger of  
the King

ON Wednesday morning, the 15th of December, an unusual number of members were in attendance at an early hour in the House of Commons, and a suppressed excitement showed itself, as of some undertaking of weight in hand as yet not generally known. Then Mr. Purefoy, the member for Warwick, who afterwards sat upon the trial of the King, stood up and said, that they did now stand sorely in need of money, and he conceived that any proposition for the bringing in of money would be very seasonable and acceptable. "Whereupon," says D'Ewes, "there ensued a great silence." Mr. Purefoy then proceeded, and said he conceived that there was but one mode of obtaining what they desired in this respect, and that was by imparting to their constituents; and the people generally, some ground for greater confidence than they could derive from recent and existing events. He pointed out that all men's minds were unsettled by the many slanders which had freely gone abroad,

"swered, to the chief of the Lords who were present. His Majesty then calling to Sir Edward Nicholas, lately made Secretary of State, delivered to him his Answer written on a sheet of paper, which the said Sir Edward received kneeling, and then, standing up again, read it; and his Majesty, after the delivery of it to the said Earl (Bristol), just as we were all making reverences and departing forth, passed through the midst of us with a confident and severe look, and so went into the privy gallery, where he stood looking towards us, as we came forth and made our obeisances to him."

and that if, as a worthy member had said on a former occasion, it was desirable to recover and bind to that House the hearts of the people, now was the time and the opportunity. In a word, he conceived there were no readier means to bring in money than to cause their Declaration to be printed; that so they might satisfy the whole kingdom. At this there were loud cries of agreement; but upon several even of the majority the proposal fell with a surprize, and D'Ewes was one of them. "It seems," he says, "that many members were privy to this intended motion, which I confess seemed very strange to me; for they cried *Order it! Order it!*" Then the Speaker rose, and, as if to show that he at any rate had been no party to the preparing of the motion, asked the member who had spoken, what Declaration he meant, for (alluding to the declaration as to breach of privilege voted the preceding day) there were two. This called up Mr. Peard again, who said he meant the Declaration that had been presented to the King, the great Remonstrance; and he was seconded by Mr. Peard, who had first moved the printing on the memorable night of the 22d November, and who now moved that the Petition accompanying it might also be printed: to which again responded loud cries of *Order it! Order it!* Edmund Waller next took the lead in a desperate attempt to protract and delay the vote, which in so much was successful that it lasted far into the afternoon; but of which, unfortunately, small record remains, for in the midst of it D'Ewes,

will recover People to House.

Surprize of D'Ewes and others.

Peard seconds Peard.

Waller opposes.



apparently in some dudgeon at the want of confidence in him displayed by the leaders, left the House for some time. Then the putting of the Resolution having been fought off until daylight began to decline, the coming on of dark was made the excuse for a further attempt to prevent its being put at all. So dark it became, that the Clerk could no longer see to read; but, on a proposal for bringing in candles, Sir Nicholas Slanning, the member for Penryn, made urgent representation of the propriety of adjourning the debate, reminded the House of the scene which had been witnessed when this question was before discussed in the night, and threw out warnings of some similar danger now. Against any possible recurrence of that danger, the majority was on this occasion thoroughly guarded; but, if it had not been so, few were better entitled than Slanning to give the warning. Himself one of those who early and eagerly exposed and lost their lives in the war, he was also ever at the head of the young and ardent spirits of the House of Commons, with whom it was matter of chivalry to resent every encroachment on the power and pretensions of the sovereign; and Clarendon (in one of those charming character pieces of his History which will survive to keep it still the most delightful reading in the world, long after the conviction of its untrustworthiness and bad faith shall have entered into every mind) has celebrated his youth, his small but handsome person, his lovely countenance, his admirable parts, and his courage

Debate prolonged to evening.

Candles called for.

Sir Nicholas Slanning opposes.

An eager Royalist.

“so clear and keen.” \* He failed for the present, however, to turn the House from their purpose, though not till he had forced on a division.

\* See *History*, iv. 150, and 612-13. Slanning was one of the little men; “and it was an age,” says Clarendon, “in of little which there were many great and wonderful men of that size.” “size” (*Life*, i. 62), among the men of learning as well as of action. One of the least men in the kingdom he celebrates as one of the greatest scholars of Europe, in the person of the ever to be remembered Mr. Hales of Eton—“who would often say that he would renounce the religion of the Church of England to-morrow, if it obliged him to believe that any other Christians should be damned; and that nobody would conclude another man to be damned, who did not wish him so;—than whom no man was more strict and severe to himself, yet to other men so charitable as to their opinions, that he thought that men not erring were more in fault for their carriage towards men who erred, than the men themselves were;—and who thought that pride and passion, more than conscience, were the cause of all separation from each other’s communion; and frequently said, that that only kept the world from agreeing upon such a liturgy as might then bring them into One communion” (*Life*, i. 60-1). Chillingworth was another of the very little men. Sidney Godolphin, also belonging to the same diminutive class, amazed the tall and well-formed Mr. Hyde by presenting so large an understanding and so unrestrained a fancy in so extremely small a body as he possessed: the smallest indeed of all, as it would seem, for Falkland used merrily to say that he thought what charmed him most to be so much in Godolphin’s company was the sense of finding himself there “the properer man.” But the prince of the little men was Falkland himself. Observe with what exquisite art Clarendon puts forward his disadvantages of person simply to make more lovable the attractions of his mind. “His stature was low, and smaller than most men; his motion not graceful; and his aspect so far from inviting, that it had somewhat in it of simplicity; and his voice the worst of the three, and so untuned, that instead of reconciling, it offended the ear, so that nobody would have expected music from that tongue: and sure no man was less beholden to nature for its recommendation into the world. But then no man sooner or more disappointed this general and customary prejudice. That little person and small stature was quickly found to contain a great heart, a courage so keen, and a nature so fearless, that no composition

Forces  
division:Hales of  
Eton.Chilling-  
worth.Sidney  
Godol-  
phin.

Falkland.

Picture by  
don:

on ques-  
tion for  
candles.

152 to 53.  
Candles  
brought.

Division  
for print-  
ing.

Carried :  
135 to 83.

*Life i.*  
43-4.

D'Ewes returned to his seat just as they were about to divide on the question for candles, and by the very sound, he says, the Ayes declared themselves to be far more than the Noes; but the Noes persisted in dividing, and "sitting still" in the House with Sir Robert Hatton and Mr. John Russell (who had succeeded Lord William on the old Earl's death, as Pym's colleague in the representation of Tavistock) for tellers, proved to be only 53 in number, whereas the Ayes who went out, with Denzil Hollis and Sir John Clotworthy as tellers, were 152. Upon this, candles were brought; and again the debate went on, not less warmly than before. For more than two hours longer, says D'Ewes, it was argued with great vehemence pro and con; until at last the question was put for the printing. Then went forth the Yeas, in number 135, with Denzil Hollis and Sir Walter Earle for tellers; the tellers for the Noes, who stayed in the House, being Sir John Culpeper and Mr. John Ashburnham, the member for Hastings, and their numbers 83. Amid considerable excite-

"tion of the strongest limbs, and most harmonious and pro-  
"portioned presence and strength, ever more disposed any  
"man to the greatest enterprise, it being his greatest weakness  
"to be too solicitous for such adventures; and that untuned  
"tongue and voice easily discovered itself to be supplied and  
"governed by a mind and understanding so excellent, that  
"the wit and weight of all he said carried another kind of  
"lustre and admiration in it, and even another kind of ac-  
"ceptation from the persons present, than any ornament of  
"delivery could reasonably promise itself, or is usually  
"attended with; and his disposition and nature was so gentle  
"and obliging, so much delighted in courtesy, kindness, and  
"generosity, that all mankind could not but admire and love  
"him."

ment, the order was then given for immediate printing of the Remonstrance concerning the state of the kingdom; the Grand Remonstrance, as thereafter it came to be called, to distinguish it from the many other similar State Papers of less importance, and less interest for the people, which were issued during the war. Even now, however, it required all the temper and control of the leaders to avoid a mutiny. The claim to protest was, at this point, once more revived; and Sir Nicholas Slanning, heading the protesters, did his best to bring his own warning true. Some sixty members having joined him, they formally demanded that their protestation might be entered by order of the House; but the growing excitement was happily allayed by the art with which Pym, in appearing to yield to that proposal, in reality yielded nothing. The demand was turned into an order for an adjournment "to take into consideration the "matter touching protestations in this House;" and, the following Friday having been fixed for the purpose of such consideration, the House rose at seven o'clock.

Printing  
ordered.

Slanning  
revives  
claim to  
protest.

Storm  
allayed by  
Pym.

So closed the last debate on the Grand Remonstrance, which then found its way, after a succession of scenes and struggles as worthy of remembrance, though not until now remembered, as any in our history, to the audience for whom it was designed. Neither Hampden nor Pym spoke further, when the day for discussion of the right of protesting came.\* They

Monday,  
20th Dec.

\* The Friday originally fixed was changed to the following Monday, when the three principal speakers were Hyde,

Debate on right to protest. left it to the King's ex-secretary, old Sir Henry Vane, to point out how irreconcilable any such right would be with the precedents, the usages, and the proceedings of the Commons' House. They listened without replying to a long speech from Hyde, who, admitting there was no precedent for the claim, yet urged that neither was there a precedent for the printing of a Declaration, and that, a precedent in a case unprecedented being nothing to the purpose, they must act according to reason. They listened, still unmoved, to the significant allusion of Mr. Holborne, who, putting the case of an order having passed the House which might carry grave consequences, enlarged upon the hard position of those who, having no right to protest, would be involved in such consequences, "and perhaps lose their heads in the crowd" "when there was nothing to show who was "innocent." Their part in the affair was done, their weapon thrown, and none of those contingent or possible events had any alarms for them. They called upon the Speaker to put the Resolution, that in no circumstances should a protestation be desired in that House, or admitted if desired; and they voted and carried it.

Ominous remark by Holborne.

Resolution against Hyde's party.

#### § XXIX. IMPOSSIBILITY OF COMPROMISE.

THE incident too surely shadowed forth in that allusion of Holborne, the blow which so

Holborne, and Vane, and it was finally "resolved upon the question, That in no case a Protestation ought to be "desired by any member of this House, or admitted by this "House, being desired."

Right to protest rejected.

soon was levelled at the heads of the five leading men in these debates, and which was but the natural and legitimate sequel to the proceedings in connection with them here detailed, closed all further legitimate discussion, and rendered civil war inevitable. But before concluding this Work I may pause to show, by some brief extracts from letters lately discovered,\* that the same honourable good faith, absence of mere personal animosity, and honest desire for a settlement within the limits of the Constitution, which had characterised the Remonstrance Debates, continued to animate leading men in the Parliamentary Party up to the hour when the sword was drawn.

Result of Remonstrance Debates.

Popular leaders averse to war.

The letters were written to Charles the First's Attorney-General, who had become his Chief Justice of the Pleas, and, upon the very eve of the unfurling the standards, had interposed his good offices to mediate in the quarrel. The attempt was unfortunate; yet he frankly admits that it might have had other issue, but for the fatal indecision of the King. "I have adventured far," writes the well-meaning Chief Justice, "to speak my mind freely, according to my conscience, and *what hazards I have runne of the King's indignation in a high measure you will heare by others; all men give not the same advice.*" Among the remarkable men, high in the councils of the popular party, who persisted in a final effort to keep the sword still sheathed, were

Indecision of Charles.

Bankes (C. J.) attempts to mediate with King.

\* Published by the late Mr. George Bankes of Dorsetshire, descendant of Charles the First's Chief Justice, in a book entitled *Corfe Castle*.

Like  
attempts  
of leaders  
in both  
Houses.

Lords Northumberland and Wharton ; Denzil Hollis, one of the five members who were the object of the King's fatal attempt ; Lord Say and Seale, leader of the Puritans ; and even the subsequent leader of the Parliamentary Armies, Lord Essex. None of these men viewed with other than a sad reluctance the strife which was about to begin ; none of them was eager to exaggerate or precipitate the quarrel. But their frank and unreserved expressions elicited no return.

Lord  
Wharton.

In a letter of singular earnestness, Lord Wharton warns Sir John Bankes that he is intimate with many popular leaders, " and I do seriously " profess, I dare not in my private thoughts " suspect or charge any of them for having " disloyal hearts to his Majesty, or turbulent " hearts to this State." In a letter written from that very place in the House of Commons which he occupied in close vicinity with Pym and Hampden, Denzil Hollis tells the Chief Justice that the House of Commons only waits " the first appearance of change in his Majesty " that he will forsake those councils which " would divide him from his Parliament and " people, and make them destroy one another," to return in duty and affection to his person.

Denzil  
Hollis.

Lord Say  
and Seale.

In reply to a letter from the Chief Justice soliciting his opinion, Lord Say and Seale more sternly warns him " that your cavaliers " (as they are called) do much mistake in per- " suading themselves or others, that there is " any fear among those who desire the King's " wealth and greatness as it may stand with " their own rights and liberty, and the end of

“ his government.” In rough and unlettered but manly phrase, Lord Essex communicates thus to Sir John Bankes the grief with which he is about to unsheathe his sword : “ The great “ misfortunes that threaten this kingdom, none “ looks upon with a sadder heart than I ; for “ in my particular, my conscience assures me I “ have no ends of my own, but what may tend “ to the public good of the King and the “ kingdom.” And finally, in two as impressive sentences as were ever written on the causes of the conflict, Lord Northumberland tells Sir John Bankes, that Parliament is arrayed against the King because of the peril of “ losing that “ liberty which freeborn subjects ought to enjoy, and the laws of the land do allow ; and “ because those persons who are most powerful with the King, do endeavour to bring “ parliaments to such a condition that they “ shall only be made instruments to execute “ the commands of the King.”

That last remark is the striking and sufficient comment upon the scenes which have been described in these pages. The continued series of efforts herein presented were the prelude to yet another, a more desperate, and a final endeavour, to bring parliaments to such a condition that they should be made only instruments to execute commands of the King. Happily for us, this last attempt succeeded no better than its fore-runners ; and it might have become the Chief Justice’s descendant to remember, as he studied these letters before giving them to the world, that it mainly had arisen from the failure of the King which apparently

Lord Essex.

Lord Northumberland.

Objects of Court party.

To weaken and degrade Parliaments.



he so much deplores, that he found himself indebted for the liberty he has not very generously employed in exalting his ancestor as unduly as he depreciates unworthily the greater men who baffled the King's design. The part allotted to Sir John Bankes in the momentous scene was in reality a very small one, though he played it creditably. He was a respectable lawyer of honest intentions and very limited views, who interfered occasionally with good effect to moderate both parties, until both became committed to extremes; but when the sword flashed out as arbitrator, he turned aside helpless and useless, and, dying while yet the victory neither way inclined, he seems to have died in the persuasion that the disfavour of Heaven must fall heavily on both, and that both would be deserving of overthrow. There is always much to be said for a temper such as this, even when most unfitted to its occasions; and undoubtedly a disposition in itself so kindly and pleasing might, at any other time than one of necessary conflict, have done even useful public service. Sir John's descendant was quite entitled to refer to him, therefore, as a favourable specimen of a lawyer in that age: but it was less discreet, as well as less generous, to contrast his alleged upright ascent to worldly rank, with the "unseemly intrigues and courtly struggles" by which Sir Edward Coke is declared to have clambered thither. Allusions not strictly untrue may yet convey an impression singularly false. Whatever his former failings may have been, to the student of our Civil Wars the Lord

Small part  
in a great  
scene:

creditably  
played.

Character  
of Bankes  
(C. J.)

unwisely  
compared  
with  
Coke  
(C. J.)

Chief Justice Coke presents himself in one aspect only. So far, his age redeems his youth and his manhood. It was he who gave to the opening of the struggle that stamp of ancient precedent and legal right, of which it never afterwards, in all its varying fortunes, lost the trace; and, in the presence of any attempt to compare such a man disadvantageously with one immeasurably his inferior, it is impossible not to remember that while, in the Petition of Right, Sir Edward Coke has left a monument of his exertions for English liberty as imperishable as that which the Institutes contain of his knowledge of English law, Sir John Bankes has left no more durable record of either than an elaborate argument against Hampden in the case of ship-money.

Coke's claims.

The Institutes and Petition of Right.

Let me simply repeat in this place what I have formerly hinted,\* that to renew anything like the vehemency of the old Civil War disputes, maintained with unhesitating and uninquiring zeal while yet the authority of Clarendon was implicitly accepted, it is now become needful to pass to a "more removed ground" than that which preceded the war. Sir John Bankes was in his grave, and his correspondents diversely and sadly scattered; my Lord Northumberland was sulking at his country-house, Mr. Denzil Hollis was fretting that he had ever so largely helped to turn out the Stuarts, and my Lord Essex had been borne in funeral pomp to the Abbey of Westminster; before that greater and sterner figure had fully

Party views for and against Charles.

A plain case up to the war.

\* See *ante*, p. 147.

A case  
more per-  
plexing.

emerged, whose "rude tempestuous" qualities, perplexing in early days to Mr. Hyde, were hardly less to perplex and trouble all future historians. And it is less with the hope of contributing anything to its illustration that should be entirely worthy of the subject, than to confess how much in former years it perplexed and troubled myself, that I have lately taken occasion to express\* to what extent the views I once held have suffered change in regard to the conduct and character of Cromwell.

### § XXX. CONCLUSION.

Limited  
scope of  
present  
work :

THE consequences hinted at by Holborne (in the debate of the 20th December on the right of the Minority on the Remonstrance to protest against the decision of the Majority), which had so fatal a recoil upon the King, do not fall within the scope of this work. The Arrest of the Five Members is a subject too large in itself to be treated as a portion of that theme which I now bring to a close. My object was to restore a page of the English history of some importance, which time had been permitted to efface; and this has been accomplished. It is for the reader to apply the details here given to their further use, in illustration of already existing records, and determination of their value. It would lead the writer too far from

to restore  
an effaced  
page in  
History.

\* In the *Edinburgh Review*, January, 1856. See Biographical Essays (*Oliver Cromwell, Daniel De Foe, Sir Richard Steele, Charles Churchill, and Samuel Foote*), now published by Mr. Murray in a separate volume.

the design to which he had purposely restricted himself, to attempt in this place any such application. Every one may do it, within the range of his acquaintance with the general history of the time; and to help to extend this range for all, some pains have here been taken to render the notes appended to the Abstract of the Remonstrance, as well as to the Debates, both a guide to research out of the common track of histories, and a warning against too ready or implicit belief in the most respected authorities. It is not desirable, even if it were possible, that Clarendon's *History of the Rebellion* should be deposed from the place it holds in our literature. Its rare beauties of thought and charm of style, the profound views of character and life which it clothes in language of unsurpassed variety and richness, its long line of noble and deathless portraits through which its readers move as through a gallery of full-lengths by Vandyke and Velasquez, have given and will assure to it its place as long as literature remains. But, for the purpose to which it has mainly been applied by many party writers since Clarendon's death, as well as by writers not prejudiced or partial, it should never have been used. The authority of its writer is at no time so worthless, as when taken upon matters in which he played himself the most prominent part; and his imputations against the men with whom he was once leagued as closely as he was afterwards bitterly opposed to them, are never to be safely relied upon. With the very facts he laboured to misrepresent, he has been here confronted; and with the antagonists to whom he

Object of  
notes ap-  
pended.

Claren-  
don's  
*History.*

Its beau-  
ties.

Its de-  
merits.

Its author stood actually opposed upon the floor of the House of Commons, he has been here again confronted with contemporaries. brought face to face. The Grand Remonstrance has itself been heard after long and unmerited oblivion, and Sir Simonds D'Ewes has spoken to us after a silence of more than two centuries.

Result decisive against him.

The result is decisive against Clarendon. It is not merely that he turned King's evidence against his old associates, but that his evidence is completely disproved.

Misstatements no longer possible.

An opinion has been expressed, in the course of this Work, upon the importance of the Grand Remonstrance merely as a contribution to history, and upon the improbability of its being again displaced from the position here assigned to it. Certainly it is impossible that any one should speak of it hereafter as it has been described heretofore. In Mr. D'Israeli's *Commentaries*, for example, a book which after his death was with final and scrupulous correction republished by his son, it is characterised as an historical memoir of all the infelicities of the reign, "*with a very cautious omission*" that all those capital grievances had no longer "any existence."\*

Ludicrous errors.

That such an assertion should be hazarded again is at least not conceivable. Amid much, too, that in the same book is as gravely passed off for truth, the Remonstrance is said to have been smuggled through the House of Commons by a trick. Its authors, we are informed, "assured the moderate men that its intention was purely

\* *Commentaries on the Reign of Charles I.* By Isaac D'Israeli. Ed. 1851, ii. 290.

“ prudential; it was to mortify the Court,  
 “ and nothing more; after having been read,  
 “ it would remain in the hands of the Clerk,  
 “ and never afterwards be called for; and so,  
 “ when it was brought forward, to give it the  
 “ appearance of a matter of little moment,  
 “ the morning was suffered to elapse on ordi-  
 “ nary business, and it was produced late; but  
 “ they overshot the mark,” &c. &c. with  
 much more to the same incredible purport!  
 Surely not again can Clarendon lead his fol-  
 lowers into such a quicksand of “ history ” as  
 that; nor, with the Remonstrance itself in  
 evidence, can the signal misrepresentation he  
 left of its contents, and of the conduct and  
 objects of its authors, be in future accepted  
 against his own frequent and unconscious testi-  
 mony to its deep and ineradicable impression  
 upon the mass of the English people.

D’Israeli’s  
*Commen-  
 taries,*  
 ii. 294.

Effect of  
 Remon-  
 strance on  
 the people:

That, after all, is its final and lasting vindication. It had become a necessity so to make  
 appeal to the people. It may be true, or it  
 may be false, that Cromwell would have sold  
 all he had the next morning if the Remon-  
 strance had been rejected, and would never  
 have seen England more: but that Falkland  
 heard him say so would seem to be undoubted,  
 and the fact is a singular proof of the gravity  
 of the conjuncture which had arisen. Measured  
 also by the effects produced, the same conclu-  
 sion is forced upon us; though in the presence  
 of the document itself, these may well appear  
 less surprising. To do Clarendon justice, he  
 never affects to conceal the momentous influ-  
 ence exerted by the Remonstrance over the

its vindi-  
 cation:

and mea-  
 sure of its  
 import-  
 ance.

Its subse-  
quent in-  
fluence.

Confessed  
by Hyde.

Recruit-  
ing-ser-  
geant for  
civil war.

Motives  
of its  
authors :

in so ap-  
pealing  
to the  
people

subsequent course of affairs. He puts it in his own language indeed : but when he refers to "that dreadful," "that fatal," Remonstrance ; when he speaks of it as having "poisoned the heart of the people ;" when he recurs to it as "the first inlet to the inundations that overwhelmed" his party ; when again and again he dwells upon it, as "the first visible ground and foundation of that rage and madness in the people of which they could never since be cured ;" no gloss or comment is needed for such expressions. They are so many tributes to the vigour and capacity of his opponents, and to the largeness and wisdom of the outlook they had taken when they launched that Great Remonstrance. Parliament had no such recruiting-sergeant through the after years of civil war. It might have fallen, indeed, comparatively without effect, if Charles the First had been able at any time to accept honestly the consequences of his own acts ; but its authors knew that this was not in his nature, and if we would condemn in that respect their policy, we must have satisfied ourselves, that, with a man so essentially and deliberately false as the King was to all the engagements made with him, it was in any manner possible, without direct appeal to the People as a part of the State, to bring about a lasting adjustment of right relations between the Commons and the Crown. The Remonstrance constituted that appeal ; and not the least of the claims which in my judgment it possesses to the attention and respect of all students of history, is the proof which it affords

that English Puritanism had in itself no necessary antagonism to English Institutions and Government. The ancient limited monarchy, and a reformed church establishment, would have satisfied its authors. They were devout, religious men, who claimed free exercise for their religion; but inseparable from the Protestant Reformation, and its overthrow of Roman Catholic bondage, to whose immediate inspiration they owed their greatness, was the passion for civil freedom no less than for religious liberty. The writers who would separate the religious from the political movement in the seventeenth century, and so strive to underrate the earnestness of the effort it included for political as well as religious emancipation, have their answer in the Grand Remonstrance. Liberty of conscience and of worship has its leading place therein, but only as the very basis and condition of such other claims, constituting civil government, as the right not to be taxed without consent, the right to enjoyment of what is lawfully possessed, the right to petition, the right to choose representatives, the right of those representatives to freedom of debate, the right to pure administration of justice, the right to individual freedom under protection of the laws.

Of the men by whom these great rights were so asserted in the old English house of legislature, and to whose exertions and sacrifices in the Long Parliament, their ultimate though less complete acceptance by the Convention Parliament is due, perhaps a nearer view is afforded in this Work than hitherto has been

To save  
the  
ancient  
monarchy.

Civil and  
religious  
freedom  
not  
separable.

Rights  
demanded  
by  
Remonstrance.

Leaders of  
the Long  
Parliament.



attainable in any printed record. It might indeed have been too near if the men had been less great. But they do not suffer by that closer inspection. Their greatness, too, is assumed so easily and so naturally exerted, as to raise no feeling of surprise but that in an age which produced them such a tyranny should have been possible. To find, in the party struggles of two hundred years ago, a full and perfect anticipation of parliamentary conflicts of more modern days, may probably astonish not a few; but still more startling is it to reflect, that, during the whole fifteen years described in the Grand Remonstrance, while England lay gagged, imprisoned, mutilated, and plundered, under the most vexatious and intolerable tyranny that ever tortured body and soul at once, she yet contained these men. But they had profoundly studied her history; and they had an immovable faith that her civil constitution, outraged as it was, yet held within itself the sufficing means of recovery and retribution. Nor, happily for us, did they quite lose this patient belief, until the sword was actually drawn; and hence it was that all the old laws and usages of the land, all the old ways and precedents of parliament, all the ancient traditions of the rights of the three estates, successively drawn forth from their resting-place in records, charters, old books, and parchment rolls, were appealed to on either side, were claimed by both sides, were tried, tested, and made familiar to all, in such debates and conflicts in the House of Commons as these pages have described. It was

Their  
genius and  
greatness.

Their  
patience  
and en-  
durance.

Their re-  
spect for  
old pre-  
cedents  
and laws.

for later generations to enjoy what thus was toiled for so gallantly, and only with infinite suffering, and terrible drawbacks, won at last.

But the Leaders of the Long Parliament have had their reward in the remembrance and gratitude of their descendants; and it will bode ill to the free institutions of England, when honour ceases to be paid to the men whom Bishop Warburton truly characterised as the band of greatest geniuses for government that the world ever saw leagued together in one common cause.

Reverence  
due to  
them.



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## ERRATA.

- Page 47. *Third marginal note.* After "Officers" insert "of."  
" 75. *Line 7 from bottom.* For "Madgeburg" read "Magdeburg."  
" 132. *Third marginal note.* For "Macauley" read "Macaulay."  
" 255. *Second marginal note.* For "Culpepper" read "Culpeper."  
" 291. *Note.* For "D'Oyley" read "Onflow."  
" 363. *First marginal note.* For "Culpeper" read "Strangways."  
" 367. *Line 4.* For "Second son" read "Son and heir."  
" 377. *Note, eight lines from bottom.* For "Stephen came in . . . to tell his uncle" read "came in, . . . to tell his uncle Stephen."

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